WILLIAM FITZHUGH GORDON

ARMISTEAD · C · GORDON

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WILLIAM FITZHUGH GORDON

Wm F. Gordon

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WILLIAM FITZHUGH GORDON

A VIRGINIAN OF THE OLD SCHOOL: HIS LIFE, TIMES AND CONTEMPORARIES

(1787-1858)

By

ARMISTEAD C. GORDON

Author of "Robin Aroon," "The Ivory Gate," etc.

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"Let the banks facilitate the exchanges of commerce and further the interests of trade; but let them, I pray you, have nothing to do with the Government."—*Gordon's Speech on proposing the Independent Treasury in 1835.*

To

MASON GORDON,

HIMSELF "A VIRGINIAN OF THE OLD SCHOOL,"
THIS BIOGRAPHY OF HIS FATHER IS INSCRIBED
WITH GRATITUDE AND AFFECTION.

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INTRODUCTION

In his "Life of James Monroe," in the "American Statesmen" series of biographies, Dr. Daniel C. Gilman, in allusion to the unwritten story of many "illustrious Virginians whose memory it is well to revive," quotes St. George Tucker's letter to William Wirt, in which he says "in a half-playful, half-earnest tone, that Socrates himself would pass unnoticed and forgotten in Virginia, if he were not a public character, and some of his speeches preserved in a newspaper."

"Who knows anything," queries Tucker, "of Peyton Randolph, one of the most popular men in Virginia? Who remembers Thompson Mason, esteemed the foremost lawyer at the bar; or his brother George Mason, of whom I have heard Mr. Madison say that he possessed the greatest talents for debate of any man he had ever heard speak? What is known of Dabney Carr, but that he made the motion for appointing committees of correspondence in 1773? Virginia has produced few men of finer talents, as I have repeatedly heard. I might name a number of others, highly respected and influential men—yet how little is known of one half of them at the present day?"

Even those who were public characters, and had their speeches preserved in newspapers, have not all escaped the corroding tooth of time; and there are many men named in this volume, of whom no biography has yet been written, who were well worthy to adorn the annals of any period of any people.

A valid reason which may be alleged for this neglect is that for a long time, both in the Colony and the Commonwealth, the ablest men in Virginia were more interested in making history than in keeping a record of it; and that consequently there was as

little consideration of preserving original sources as of reducing them to literary form. And so it has happened, with respect to the period of which this biography treats, that the Jeffersonian view of the Federal Constitution, which flourished in Gordon's time as one of its chief political influences, has been far less widely advertised or adequately presented in written substance than has been that of the Hamiltonian school; and the State-Rights construction has for the later generations lost much of its prestige and influence through its failure to secure a more general and permanent hearing from the public.

The Southern participants in political affairs who succeeded the men of the Revolutionary epoch, and whose careers extended over the first half of the nineteenth century, were temporarily neglected or forgotten in the stress of arms and in the ensuing social cataclysm which accompanied the War between the States in 1861-1865; and the events of that mighty struggle served too often to obscure even the most significant occurrences which preceded and led up to it. In the devastation and ruin of the South which the war left in its wake, no small part of the material out of which that earlier history might have been fashioned, also perished; and it has only been in recent years that the serious gathering together of such material as was left from the wreck, and its painstaking reduction into permanent form, have had an inception and awakened an interest among the Southern people.

Of the subject of this volume, though belonging to a later generation than any of the four men named by Tucker in his letter to Wirt, comparatively little is now generally remembered even in the State in whose public affairs he filled for a while no inconsiderable space, and where he was known as one of the most eloquent popular orators of his day; while even the writers who have undertaken to deal learnedly with the great financial device of the national

Sub-Treasury, of which he was the originator, make mention of him only in the most cursory manner. Thousands of Virginians, for whom the story of Jefferson's great nursery of intellectual achievement, the University of Virginia, possesses an abiding interest, have little or no knowledge of the persistent and important part that was played by Gordon, in the General Assembly of the Commonwealth, in accomplishing its final and practical creation, organization, and location; while even less known to them is the story of his successful settlement, in the Constitutional Convention of 1829-1830, of the basis of representation which had caused the convocation of the convention, and whose adjustment by him probably deferred for more than three decades the political separation of what is now West Virginia from the mother State. And of the unnumbered throng that daily passes the Sub-Treasury building in Wall street, in the city of New York, where the statue of Washington marks the spot on which Randolph of Roanoke saw him take the oath to support the Federal Constitution, and saw too, "the poison under its wings," perhaps not one in a million knows that the Sub-Treasury of the National Government emanated from the brain of Gordon and was formulated by his pen.

He was a typical representative of the school of political thought that had its origins in the teachings of Mr. Jefferson and its apotheosis in the unsuccessful but none the less brilliant and logical statesmanship of John C. Calhoun; and he was the trusted personal and political friend and associate of each of these great Americans. In his generation the public career occupied and illustrated the ablest intellects of the South. Letters and science and art and the commercialism of money-making were all subordinated to the study and practice of government; and amid the social and political conditions which prevailed statesmanship became a second nature to

the able, the patriotic and the ambitious Southerners who pursued it.

Under the contemporary and early posthumous influence of Mr. Jefferson, a large part of the political life and thought of the first half of the nineteenth century was permeated with his opinions and teachings; and Gordon, who had come early and intimately within the sphere of that influence, continued throughout his life a devout adherent of Jeffersonian republicanism. A passionate devotion to Virginia as the Commonwealth, under whose protecting aegis liberty should always find her place of refuge and home, was the motive of his political direction and the guide of his public career; while only second to this devotion to his State was his attachment to the Union of confederated States according to his interpretation of the Federal Constitution.

To his intense loyalty to these ideals he gave the service of his energies and talents, with little of the ambition that is most careful of self, and with the spirit of patriotism set high above that of partisanship. He left his party in the high tide of its success for what he regarded the good of his country; and surrendered a career that stretched fair and far before him for the sake of political principle.

The delineation of him that has been attempted here has contemplated also some depiction of the atmosphere in which he moved, and the environment which surrounded him. It is to be regretted that the larger part of his correspondence was destroyed by an accident in the time of the War between the States. Except his letters to his wife, many of which however, are fortunately more or less political in a narrative and descriptive way, little of an epistolary character, either written to him or from his hand, survives. Yet enough remains in the letters from Mr. Jefferson, Mr. Calhoun, President Tyler and others, here reproduced, and in most instances for the first time published, to indicate a measure of the

esteem in which he was held by many of the wise and virtuous spirits of his age.

In the attempted picture of any public man's career the background must necessarily hold more or less of the contemporary movement of the period. The account here sought to be given of Gordon's times does not purport, however, to contain more than some detail of the events with which he was most closely associated, or which bulked so large as to compel observance of them. His adult life, extending as it did from Jefferson's second administration to that of Buchanan, covered a space that was crowded thick with historic happenings; and for a narrative of even the fewest of these there is but little room here.

So, too, of the men of his day mention has only been made of those of his own vicinage, or of his personal and political acquaintance and fellowship. If these shall seem unduly to throng the canvas, it may be pleaded in extenuation that the masters of history have set an example in illuminating their pages with the portrayal of contemporary figures of distinction; and that even in the limited space permitted to those here mentioned some memories worthy of preservation may be revived which have already grown faded, or become in degree forgotten; or some strong figure, well-known and yet remembered, may stand forth again in renewed, if brief, distinctness.

CHAPTER I

Ancestry

From the time of the Cromwellian settlement of Ireland, when "the baronies were assigned in Connaught for the new settlements of the ancient nobility, gentry and farmers of the Irish nation, corresponding in character to their old habitations in the three other provinces from whence they were transplanted," down to the present day, Ulster, the northernmost and nearest to Scotland of these three provinces, has been essentially Scotch. Separated from the Galloway county of Wigtonshire by a stretch of water only thirty miles wide, for the distance is no more than that by steamer to-day from Larne to Portpatrick, Ulster afforded an inviting field of enterprise to the venturous and canny inhabitants of Caledonia; who, as soon as they discovered room and opportunity, poured into northern Ireland in a steady stream of such numbers, that Scottish names are as frequent now throughout the whole province as in the country of their origin; while the cold religion of Knox has thenceforward so continued to flourish there as to cause those of a different faith elsewhere in Ireland, where politics and religion go hand in hand, to speak of the region as "Black Ulster." But under the thrifty and self-contained influences of the Scotchmen, prosperity has accompanied the Scotch blood and the Scotch burr in their adopted home; and no one of the Ulster counties has proven more fertile, more thrifty and more fortunate than the County Down, which is the most eastern county of Ireland lying upon the Irish Sea. Its most considerable place is the ancient town of Newry, seated on the Narrow Water, at the head of Carlingford Loch, and almost surrounded by mountains and rocky hills,

except to the north and northwest, where a prospect opens into a good country, through which the canal is carried that runs to Lough Neagh, famed in Moore's song as holding beneath its waters the "Round Towers of other days." In 1689 the Duke of Berwick burned the town of Newry to secure his retreat to Dundalk from the English under Schomberg. "It has been greatly improved since the settlement in 1691," says its ingenuous chronicler, "and is now one of the largest and most commercial towns in the country."

In 1175 a Cistercian Abbey was founded at Newry by Maurice McLaughlin, King of all Ireland, which possessed extensive endowments and privileges, and large areas of adjacent land. In 1543 the Abbey was converted into a collegiate church for secular priests, and was finally dissolved by King Edward VI of England, who granted it and its possessions to Sir Nicholas Bagenal, Marshal of Ireland. Sir Nicholas made the Abbey his private residence, and under his auspices Newry entered upon its career of growth and prosperity. The Bagenal family continued to possess some portions at least of the Abbey properties down to the period of the Revolution of 1688; for in the "Charter Abbatiae," of the old Cistercians of St. Benedict, which was granted them by the Irish King Maurice, we find included, among other lands and territories conferred upon the Abbey, "the land of Enacratha," which is now Carnmeen, "with its woods and waters," and "the land of Lisdorca," now Lisduff; and in 1692 the public records show portions of the townlands of Carnmeen and Lisduff, situated in the vicinity of the Sheepbridge, about three miles north of the town of Newry, to have been the property of Nicholas Bagenal, esquire, namesake and descendant of the marshal.

On the 28th of November, 1692, James Gordon, "of Sheepbridge in the Barony of Newry, gentleman," as he is described in the old conveyances, was

granted a lease held in fee farm of the half town-land of Cloughenramer and the half town-land of Derraboy by this Nicholas Bagenal, esquire; and on the 22d of March, 1731, the lease, which was in effect a fee simple tenure, subject to an annuity, was confirmed to the three sons of James Gordon, with the addition of the half town-land of Lisduff and the quarter town-land of Carnmeen, including an almost baronial tract, which comprised what was thenceforth known as the Sheepbridge estates. This property, which continued to remain in the possession of the Gordon family, though with steady diminutions from generation to generation, due to the hospitality, the free-living and the sporting proclivities of its successive owners, until the mansion house and a remnant of something more than one hundred acres were left, was sold in 1902, the last male Gordon owner of Sheepbridge having died as a youth of nineteen years, in 1891.

A careful examination of all the documentary evidence, in the shape of public records and contemporaneous writings that have proven accessible, tend to show that the first James Gordon of Sheepbridge, was a son of the Reverend James Gordon, of Comber, also a town in county Down. This reverend gentleman was a Scotch chaplain in the regiment of Lord Montgomery, a constituent part of Cromwell's invading army, and seems to have been under the especial patronage of Lady Montgomery, who was "the daughter of an Alexander of Aberdeenshire, Scotland, and a rigid Presbyterian." This lady is said to have been a personage of high social importance and distinction in her day; and became, after the Cromwellian invasion, the Viscountess Mount Alexander. After her husband's death she married the famous Scotch General, Robert Munro.

In the Commissary records of the town of Elgin, in Morayshire, Scotland, we find that in 1649 this "Mr. James Gordoune, minister at Comber, in Ire-

land, sone lauchfull to umquhile Alexander Gordoune of Satterhill," executed a certain instrument of gift to his brother, "Alexander Gordoune," and "umquhile Alexander," the father, is indicated by the records to have descended from one of the most ancient of the Gordon families of the north of Scotland.

The grandsons of the first James Gordon of Virginia, brought with them to the Colony, in 1738, the crest of the Lesmoir Gordons, described in heraldic phrase as "a hart's head proper," and their motto "Bydand," engraven on some pieces of silver plate; but neither for pedigree nor crest did their democratic descendant, whose life is sought to be depicted in these pages, care anything. He was a disciple and friend of Thomas Jefferson, and growing up in the aftermath of democratic revolutions, eschewed the assumptions of aristocracy. He was satisfied to think and to say that it "took three generations to make a gentleman," and that he was assured of his right to the title, and looked no further.

James Gordon the first, of Sheepbridge, in the barony of Newry, whose will is dated July 7, 1707, married Jane Campbell, a merchant of Newry, by his wife, Jane Wallace, of Ravarra, near Belfast, of the ancient house of Wallace of Elderslie. It was the custom of the Scotch in Ulster to intermarry among themselves; and only in most exceptional instances do we find this custom violated by marriage with the native Irish. This persistent tendency has been the chief factor in preserving their racial integrity in their local environment. Jane Wallace, the mother of Gordon's wife, was a character of celebrity in the history of the town of Newry. In 1689, when the town was burned by King James' army, she fled with her younger children to the Isle of Man, whose outlines, and those of the farther hills of England, are visible on a clear day from the Mourne mountains near Newry. As soon as King William restored peace to Ulster, she returned and

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re-established her family in their former home, "having," as her family chronicler nâively relates, "a strength of mind superior to difficulties." Besides her daughter Jane, who married James Gordon, she had a number of children, whose families became so important and influential in the vicinage that they were locally known as "The Grand Alliance." Mrs. Campbell lived to a green old age; and it is further chronicled concerning her that she "had great authority and commanded great respect." She survived the death of her husband forty-three years, and, surrounded by a great number of descendants, "saw the fifth generation, a child brought from Scotland to be presented to her with much filial respect."

James Gordon the first, of Sheepbridge, and his wife, Jane Campbell, had issue three sons, James, Robert and George. James inherited the Sheepbridge estates, and married Sarah Greenway, the daughter of a prominent merchant of Newry; and of their marriage were born four sons and three daughters. Two of these sons, the first and third, who were James and John, emigrated to Virginia in the early part of the eighteenth century, and were respectively the maternal and paternal grandfathers of William Fitzhugh Gordon, his father having been the son of John Gordon, and his mother the daughter of the elder emigrant, James.

The second son, Samuel Gordon, under his father's will, and by subsequent purchase from his brothers in Virginia, became the owner of the larger portion of the Sheepbridge lands, and of the mansion-house, an imposing stuccoed edifice of three stories, situated on a hill on the road leading northward to Rathfriland, which was built by the first James. The fourth brother, George, likewise came to Virginia, where he resided for a brief period, and returned to Ireland. Of his descendants are the present Gordons of Maryvale, near Newry, who are a prominent family in the County Down.

In the Sheepbridge descent were several men of the name who took a conspicuous part in the Irish Rebellion of 1798, and in what was known as the "Volunteer Movement," preceding it. One of these was John Gordon of Templegowran, eldest son of Samuel of Sheepbridge, of whose rescue from prison by his wife, after his arrest and transportation to Belfast by the English soldiery, a romantic story is told in the local chronicles. This John of Templegowran was of patriotic spirit, for we find him again, though a zealous Presbyterian and church-builder, espousing the movement in April, 1812, in favor of Catholic Emancipation.

Another of the family, who took part in the "Volunteer Movement," and the Rebellion of 1798, was Captain William Gordon, of Sheepbridge, younger brother of John, of Templegowran, who is said by Macnevin, in his "History of the Volunteer Movement of 1782 in Ireland," to have raised and equipped at his own expense a company, known as "The Sheepbridge Volunteers," for service in the Rebellion.

Colonel James Gordon, the eldest son of James Gordon, the second, of Sheepbridge, and his wife, Sarah Greenway, was born at Sheepbridge in 1714. Before 1738 he emigrated to Virginia and settled in Lancaster county, on the north side of the Rappahannock River, in what is known as the Northern Neck. Here, at Merry Point, on the Corotoman River he built his mansion-house, which is still standing, and engaged in the exportation of tobacco from Virginia to Whitehaven in England. He amassed a fortune in the tobacco trade, and was a personage of importance and influence in his county; and in spite of his Presbyterianism, a member of the parish vestry, which under the union of church and state, constituted the local political governing body. He is represented as a man of great personal piety by Foote, in his "Sketches of Virginia," and it is certain

that he was one of the founders and chief supporters of the Presbyterian Church in a section of country dominated by the established Church of England. Yet for all his devoutness he was an owner of slaves, a number of whom he bought from slave-ships coming into the Rappahannock; he operated a distillery on one of his plantations and manufactured ardent spirits; and he conducted a lottery for the benefit of a Presbyterian meeting-house, which was built chiefly through his efforts. All these things he tells of in a "Journal" which he kept for many years, in which he recorded not only his business transactions but all the local happenings, including an occasional serious matter of neighborhood scandal; and in it he also kept a record, which was a voluminous one, of the persons who visited at his house. This journal affords a pleasing insight into the daily domestic life of a colonial merchant and planter of the period; and is full of entertaining incidents of the visitors who thronged his hospitable home. Whitefield, the great English evangelist, came on one occasion, and was received with enthusiasm and a lavish welcome; and when he departed "to the Northward," in the quaint phraseology of the journal, took with him as the gift of his generous host a new chaise and a pair of handsome horses.

Colonel James Gordon died at his house in Lancaster, in 1758, leaving behind him, in his obituary in the *Virginia Gazette,* of January 14, 1768, the story of having been one of the most accomplished and admirable men of his times. He married first, on March 28, 1742, Milicent Conway, youngest daughter of Colonel Edwin Conway, of Lancaster, whose first wife was Ann Ball, half-sister of the mother of Washington. Gordon's second wife, whom he married on November 12, 1748, was Mary Harrison, youngest daughter of Colonel Nathaniel Harrison, of Wakefield, Surry county, a younger brother of that Benjamin Harrison, of Berkeley, on

James River, whose grandson, Benjamin, was a signer of the Declaration of Independence, and father of General William Henry Harrison, President of the United States.

It is interesting to note that Colonel Nathaniel Harrison, of Wakefield, was the first Harrison owner of Brandon, the famous colonial mansion on James River, of which Tyler in "The Cradle of the Republic," says: "Brandon and Merchant's Hope, or Powell Brook, became the joint property of Richard Quiney and his brother-in-law, John Sadler. The Quineys were from Stratford on Avon. Thomas Quiney married Judith, the daughter of William Shakespeare. Richard Quiney's wife, Ellen Sadler, daughter of John Sadler, was aunt of Ann Sadler, the wife of John Harvard, founder of Harvard College. Richard Quiney's moiety in Brandon as well as in Powell Brook, descended to his son Thomas, who in his will left the same to his great-nephew, Robert Richardson; and he in 1720 conveyed the same to Nathaniel Harrison, to whom the other moiety doubtless had, not long before, passed from the Sadlers."

The issue of the marriage of Colonel James Gordon and his wife Mary Harrison were four sons and five daughters, whose descendants are to be found in many states of the American Union, the men of whom in all the generations have upborne the soldierly qualities of their Cromwellian progenitor, and frequently, though not so persistently, the religious characteristics which are supposed to belong to a puritan chaplain.

The eldest daughter of Colonel Gordon's second marriage became at the early age of thirteen years the wife of the Reverend James Waddell, whose parents emigrated to Pennsylvania from the County Down, and who was born on the Atlantic Ocean during their voyage over. The imaginative sailors dubbed him "the child of the ship and star;" and

he became in time one of the most eloquent and distinguished ministers of his generation in America. William Wirt, in the "British Spy," gives a graphic account of his physical appearance, and of his wonderful gift of speech—an account which superseded the sailor's appellation with the more famous one of "the Blind Preacher." In his old age Mr. Waddell lived in Louisa County; and his wife's nephew, William Fitzhugh Gordon, resided temporarily in his family when a lad, and went to school to his son, James Gordon Waddell. His association with "the Blind Preacher" made a lasting impression upon Gordon's plastic mind; and he was fond of narrating how the old gentleman would say to him, "William, popularity is a phantom that flees as you pursue it,—let it follow you"; or express to him the wish that when his time came to depart, he might "steal away from earth."

Another daughter, Elizabeth, married her first cousin, James Gordon, of Orange, or James Gordon, junior, as he was indifferently called, who was the oldest son of the immigrant, John Gordon, of Sheepbridge; and the second son of this marriage was William Fitzhugh Gordon.

Colonel James Gordon, of Lancaster, left a will, which was proved February 18, 1768; in which he made disposition of a large estate, consisting of lands, negro slaves and personal property. Nothing however, which remained of his possessions is now as interesting as his "Journal," the portion of which that survives, covering a period of five or six years, has been published in "The William and Mary College Quarterly," and furnishes very entertaining reading. Among its various items is one reciting that on a day named, the ship *Friendship,* out of Whitehaven, was anchored in the river near his house. The date and the name of the vessel indicate that upon it at that time, in the capacity of cabin boy, or occupying some other insignificant subordinate

position, was the lad John Paul, son of the Kirkcudbrightshire gardener, who later became Commodore John Paul Jones of the American Navy, and burnt the town of Whitehaven, out of which the *Friendship* sailed.

About 1750, John Hesselius, a distinguished portrait painter of his day, visited Lancaster, and painted the portraits of James Gordon and his brother John. Both pictures are delineated in the ornate costume of the period, belaced and bewigged. Colonel James Gordon appears as a florid and somewhat corpulent personage, wearing a flaxen periwig of flowing curls; while his brother John, of a more bilious tinge of complexion, is represented as a young gentleman of fashion, with a black peruke of cavalier-like locks, and is armed with a great walking-staff.

Of John Gordon, the younger of the two brothers, who came to Virginia, much less is known than of his brother James. He was probably not so systematic, for we find Colonel James forgiving him a considerable debt in his will; and it is pretty certain that he was by no means so religious, or if so his piety must have been very strongly militant. For his elder brother records in the "Journal" an account of a visit paid by him to his brother John at Urbanna, in Middlesex County, across the river, where he then lived, on the occasion of which he found him suffering from a wound in his head, encountered in a fight. Mr. Philip Vickers Fithian, a Jersey youth then teaching in the family of Councillor Robert Carter, of Nomini Hall, in Westmoreland, who was first cousin of John Gordon's wife, Lucy Churchill, adds in his "Diary" under date of November 30, 1773, the no less convincing statement,—unless indeed horse-racing was as consistent with religion at that time as brandy-making and lotteries seemed to be,—that he had been solicited "at the Race" by Mr. Gordon "to take and instruct two of his sons."

John, however, in spite of these possible failings, possessed also the Scotch thrift and canniness of his eldest brother, and accumulated enough gear to serve sufficiently his needs in life. The date of his birth at Sheepbridge is not known, he not having taken the precaution to record it in a family Bible, as did his brother James in his own case. But he was probably five or six years younger than Colonel James. He was in Virginia prior to 1756; and settled at Urbanna, then a port of entry, where his mansion-house and brick store-house, in which he housed his export tobacco, were still standing a few years ago. He was a merchant there, and a planter in Middlesex County, as was his brother across the river in Lancaster. He owned several important tracts of land in Middlesex, and engaged extensively in the tobacco trade with England. In 1762 he sold his estates in Middlesex County, and moved to Richmond County, on the north side of the Rappahannock, where he continued to reside until his death. The exact date of this occurrence is as obscure as that of his birth. He was living September 17, 1779, the date of his conveyance of his interest in the Sheepbridge estate in Ireland to his nephew, George Gordon; and he was dead before the 6th day of November, 1780, when it appears that at a county court held for Richmond County, his son James Gordon, junior, qualified as his administrator. There remains no other record of his personality or of his domestic life; but he appears to have been an individual of influence and property in both counties of Middlesex and Richmond; and in the latter he was a member of the county bench of magistrates, a position of conspicuous local honor and dignity under the colonial court system.

John Gordon married on December 15, 1756, Lucy Churchill, daughter of Colonel Armistead Churchill, of Bushy Park, in Middlesex County, and his wife, Hannah Harrison, who was a daughter of

Nathaniel Harrison, of Wakefield, and an elder sister of Colonel James Gordon's second wife. There were no better families in the Colony, where birth and breeding counted for much, than these of the river-barons into which the two young Gordons entered by virtue of their matrimonial alliances; and it is said, on contemporary authority, that no handsomer couple ever walked down the aisle of Wicomico Church than John Gordon and his bride on the December day of their wedding. Lucy Churchill's father, Colonel Armistead Churchill, was the only son, by her second marriage, of Elizabeth Armistead, daughter of John Armistead, of "Hesse," the councillor. Her first husband had been Ralph Wormeley, of "Rosegill" in Middlesex, who was secretary of the Colony, and of that union were born a son, John Wormeley, who was father of Ralph, of the Council, and grandfather of Admiral Ralph Randolph Wormeley of the British Navy. Of this descent, also, were the writers, Miss Katherine Prescott Wormeley and her sister Mrs. Elizabeth Wormeley Latimer. From the marriage of Elizabeth Armistead and Ralph Wormeley, the secretary, came a daughter, who was the first wife of Mann Page; and his daughter, by her, married William Randolph, of Tuckahoe. An aunt of Colonel Armistead Churchill's on the maternal side was Judith Armistead, wife of "King" Carter, of whom Moncure D. Conway has written in "Barons of Potowmack and Rappahannock." Colonel Churchill's sister, Priscilla, married "King" Carter's son of a second marriage, Robert of Nomini Hall; and this Robert's fame has come down to us, in and out of the pages of Fithian's gossiping "Diary," as that not only of one of the greatest of colonial landowners, but of a musical virtuoso, accomplished man of the world, and polished and cultivated scholar.

Upon the death of Secretary Wormeley his handsome and wealthy widow, residing in her dower

demesne of "Rosegill," was "wooed and married and a' " by William Churchill, a young Englishman, who had well-seated himself in the Colony, coming out of North Aston in Oxfordshire, where the Churchills had long flourished. William Churchill was clerk of the county, an honorable and much coveted office both for the sake of its dignity and influence and for its valuable emoluments and perquisites; and later he became a member of the council. After his marriage to "Madam Wormeley," as she was called in her vicinage, he resided at Rosegill, an ancient colonial mansion situated near Urbanna on a lofty eminence overlooking the Rappahannock River, that had been even then the seat of a refined and elegant hospitality for half a century; that had sheltered a royal governor; and had given welcome to King Charles's emissaries from beyond seas, when Virginia alone of all his dominions remained loyal. Bruce, in his "Social Life of Virginia in the Seventeenth Century," has pictured Rosegill as "containing a large withdrawing room, in addition to numerous sleeping-chambers. There was perhaps no other residence in Virginia more admirably appointed for the entertainment of guests. It was situated directly on the banks of the Rappahannock River, in one of its widest and noblest reaches, which thus afforded extraordinary facilities for boating and sailing. The library was, perhaps, the choicest and largest in the Colony, while the house itself was unusually spacious."

Here Armistead Churchill was born; and here he lived until he established himself in his own house of "Bushy Park," farther down the river, from which his daughter, Lucy Churchill, married John Gordon.

It was significant of the personal charm and attraction of the two young Gordons that they should have thus entered an "Alliance" in Virginia which far exceeded in wealth and power and importance that which their ancestor, Jane Campbell, had established

at Newry; for these Armisteads and Harrisons and Carters and Churchills and Conways and Wormeleys represented whatever was best in the social and political life of the Colony. The river-barons of that day were what would be now denominated "a close corporation." They intermarried with each other, and they stood by each other, socially and politically. Thus, these Virginia relatives of the Gordons were of such a like singular interweaving by consanguinity and affinity with the Burwells and the Bassetts and the Berkeleys—other river barons,—as had led Governor Spotswood at an earlier day to complain that the King's Council in Virginia contained too many of one family: "He says," observes Keith, in his "Ancestry of Benjamin Harrison," "in one of his published *Letters,* that six out of the ten members were related to Ludwell, who as has been shown above was step-uncle of the Burwells; and on March 9, 1713, probably having in mind some persons like Nathaniel Harrison, whose brother had married a Burwell, declares: 'The greater part of the present council are related to the Family of the Burwells * * * If Mr. Bassett and Mr. Berkeley should take their places, there will be no less than seven so near related that they will go off the Bench, whenever a Cause of the Burwells come to be tryed.' "

At this period there had grown up in the river-valleys of Virginia, where the lands were fertile and the means of travel and communication by water easy, a wealthy and prosperous class of planters, whose seats of wealth and luxury were made possible by the existence of negro slavery, and by the tremendous development of the tobacco trade with England and Scotland. The riches and power of these people were more than baronial; and are illustrated in the histories of their families. They constituted a social and political society in the Province that was as preëminent as it was exclusive.

In his "Bristol Parish" Dr. Slaughter gives a vivid account of the Virginia tobacco trade, which most began to flourish in the early half of the eighteenth century, and was carried on by the colonial planters and merchants with London and Whitehaven and Glasgow.

"It was the tobacco trade," writes Dr. Slaughter, "which gave such impulse to Blandford; and Virginia's chief market was Glasgow, so soon as the American trade was thrown open to Scotland by her union with England (1707). From this era dates the prosperity of Glasgow itself. Up to the middle of the last (18th) century the foreign trade of Glasgo was conducted by joint-stock companies. A Glasgow vessel of sixty tons first crossed the Atlantic in 1718. The first adventure to Virginia, (says Dugald Valentine's Diary), was under the sole charge of the captain acting as supercargo. When he was asked on his return for a statement of his accounts, he replied that he had no statement; but here were the proceeds, throwing upon the table a large hoggar (stocking) stuffed to the top with coin. As an unlettered man had been so successful, they thought a trained accountant would do better; and so they sent one; and he came back with a beautiful statement, but no hoggar.

"The trade so increased that about 1735 the Scotch merchants sent factors to live in Virginia and buy tobacco to the best advantage. Hence Scotch merchants poured into Dumfries on the Potomac, Falmouth on the Rappahannock, and many other towns including Blandford. In 1772, out of ninety thousand hogsheads of tobacco imported into Britain, Glasgow imported forty-nine thousand; and one of her merchants (Glassford) owned twenty-five ships in the trade. The tobacco-lords were the magnates (great folks) of Glasgow. They promenaded the Trongate in long scarlet robes and bushy wigs, and other men gave way as they passed. Virginia Street

and Jamaica Street in Glasgow still perpetuate the memory of the trade which enriched her merchants, and gave such great impulse to her prosperity, and changed her social physiognomy."

As the tobacco trade enriched the merchants of Glasgow, so the cultivation and exportation of the weed enriched the river-barons of Colonial Virginia who "raised" it with their hordes of negro slaves upon fertile and teeming low-ground plantations. But tobacco in this first decade of the twentieth century is now only a memory along the Rappahannock River, having vanished therefrom as a staple crop as entirely as the social life that grew out of it and was organized upon it has utterly disappeared.

CHAPTER II

PARENTS

A characteristic of the families of the river-planters in colonial days was the large number of children. The complex civilization of to-day which tends to minimize the size of the average well-to-do family in America was unknown to the wealthy colonists, who led the simple life of their period in a luxury that seemed to deny the existence of simplicity. After the fashion of their neighbors John Gordon and his wife, Lucy Churchill, had a large family. Their children were twelve in number, and of these the oldest was James, called "junior," and "of Orange," to distinguish him from his first cousin, James Gordon, of Lancaster, oldest son of Colonel James, the immigrant.

James Gordon, of Orange, was born at Urbanna in 1759; and was therefore but a child when his father moved to Richmond County, higher up the river, to live. At the age of twenty-two he was elected to represent that county in the House of Delegates of the General Assembly of Virginia, his colleague being Robert W. Carter, of the stock of the "King." In the same session the adjacent county of Lancaster was represented by his cousin James Gordon, about nine years his senior; and these two cousins, who were also brothers-in-law, were members together of the Virginia Convention of 1788, that ratified the Federal Constitution. In spite of the spread of democratic ideas in the new Republic, the old families still continued powerful both in the social and political life; and the rosters of General Assemblies and conventions in Virginia, after it had become a Commonwealth, were for a long period

alike made up of the surnames that had appeared upon the legislative records of the colony.

James Gordon, of Orange, married his first cousin, Elizabeth, daughter of Colonel James Gordon, of Lancaster, and his wife, Mary Harrison, in August, 1777; and before his father's death removed from Richmond County to "Germanna" in Orange County, where he spent the remainder of his life as a planter and country gentleman—a career that was only briefly interrupted by his service as a delegate in the State Convention of 1788.

"The ancient town of Germanna, founded by Governor Spotswood," and the original county-seat of Spottsylvania, is described by Hugh Jones, in his "Present State of Virginia," published in 1724. "Beyond Colonel Spotswood's furnace," he writes, "above the Falls of Rappahannock River, within view of the vast mountains, he has founded a town called Germanna, from some Germans sent over by Queen Anne, who are now removed up further. Here he has servants and workmen of most handicraft trades; and he is building a church, court-house and dwelling-house for himself; and with his servants and negroes he has cleared plantations about it, proposing great encouragement for people to come and settle in that uninhabited part of the world, lately divided into a county."

Some years after Hugh Jones's book was published, that colonial litterateur and society magnate, Colonel William Byrd, of Westover, visited Germanna, and gave in his account of "A Progress to the Mines" a vivid and picturesque description of "this famous town," which, he says, "consists of Colonel Spotswood's enchanted castle on one side of the street, and a baker's dozen of ruinous tenements on the other, where so many German families had dwelt some years ago; but are now removed ten miles higher, in the fork of the Rappahannock to land of their own"; and where, too, "there had also been

a chapel about a bowshot from the Colonel's house, at the end of an avenue of cherry trees, but some pious people had lately burnt it down, with intent to get another built nearer to their own homes."

By the time that James Gordon moved from Richmond County to settle at Germanna, the tide of population, which had at first been almost altogether along the river-ways, was flowing out into those "uninhabited parts of the world" that were primarily Orange and Augusta counties, a vast territory expanding indefinitely to the west and northwest, which later became, at the generous gift of Virginia to the Union, many great and populous commonwealths.

Here, in the vicinity of a barren stretch of inhospitable territory, a border line between Spottsylvania and Orange, described as "of melancholy, forbidding exterior," and known as "The Wilderness," where nearly a century after his coming some of the most sanguinary battles of the fiercest war of modern history were fought, James Gordon builded his house, and acquired acres of fertile river lands, and reared his children; and here he throve apace and prospered in worldly gear, until in his later years the prodigal hospitality which characterized many Virginia homes of the period brought him finally to modest circumstances, though not to poverty. Here, too, he grew and advanced in the good opinion of his neighbors and the community, as a man of courage, of probity and of intelligence, until when the time came in 1788 for the people of Virginia to determine the momentous question of their future relations to the other sovereign States of the Confederation, the people of Orange elected him, along with James Madison, as their representative in the convention called to pass upon the question of the adoption or rejection of the new Federal Constitution. James Gordon was a strong advocate of adoption; and entertaining a warm personal and political friendship for Mr. Madison, was eager to see him

elected as a delegate. On the 17th of February, 1788, we find him writing from Germanna to the latter, then in New York, as follows:

"Dear Sir: Being favored by Colonel Monroe with a sight of your letter of the 27th of January, and finding no mention therein of your being in our country in a short time, I take the liberty as your friend to solicit your attendance at March Orange court. I am induced to make such a request as I believe it will give the country in general great satisfaction to hear your sentiments on the new Constitution. Your friends are very solicitous for your appointment in the convention to meet in June next. I trust, were it not practicable for you to attend, your election will be secured; but your being present would not admit a doubt. Colonel Thomas Barbour, Mr. Charles Porter, and myself enter the list with you. The two former gentlemen are exceedingly averse to the adoption of the constitution in this State; and, being acquainted with them, you will readily determine no means in their power will be wanting to procure a seat in convention. The sentiments of the people of Orange are much divided. The best men, in my judgment, are for the constitution; but several of those who have much weight with the people are opposed,—Parson Bledsoe and Leeland, and Colonel Z. Burnley. Upon the whole, sir, I think it is incumbent on you without delay to repair to this State; as the loss of the constitution in this State may involve consequences the most alarming to every citizen of America.

"I am, Dear Sir, Your most obedient servant,

"James Gordon."

General Washington had written to Mr. Madison two weeks earlier, urging him to offer himself as a candidate for the convention; and other friends and supporters insisted, as James Gordon had done, that he should return and conduct his canvass in person.

Madison wrote that he was reluctant in the matter. "I can say, with great truth," he said, "that in this overture I sacrifice every private inclination to considerations not of a selfish nature. I foresee that the undertaking will involve me in very laborious and irksome discussions; that public opposition to several very respectable characters, whose esteem and friendship I greatly prize, may unintentionally endanger the existing connection; and that disagreeable misconstructions, of which samples have been already given, may be the fruit of those exertions which fidelity will impose."

In response, however, to the summons of his friends he left New York, where he was in attendance on the session of Congress as a delegate from Virginia, and stopping on his way at Mount Vernon to see General Washington, arrived in Orange on the day before the election.

Colonel Frank Taylor, of Orange, in his "Diary," a portion of which is published in Slaughter's "St. Mark's Parish," says under date of 1788, "March 24th. Election, for Convention, James Madison 202 votes, James Gordon 187, C. Porter 34." Mr. Barbour's vote does not appear, although he seems to have remained in the field.

It was no inconsiderable distinction for James Gordon, at the age of twenty-nine, to have been selected for so important and responsible an office; and the significance of his election was emphasized in the fact that his colleague was a man whose fame as a statesman was already spread over all the States, and who later became the expounder and interpreter of the Constitution on which they were to pass, and a chief executive officer of its administration. The Hon. William C. Rives, in his "Life and Times of Madison," adds to the candidates named by Colonel Taylor, and as stated by James Gordon in his letter to Mr. Madison, the name of "Colonel Thomas Barbour, father of Mr. James and Mr. Philip Bar-

bour, each of whom rose to great future eminence in the public service of the country"; and with each of whom James Gordon's son, William Fitzhugh Gordon, maintained a personal friendship that was intimate and a political sympathy that was unwavering and lasting.

The convention, which assembled in Richmond on the 2nd day of June, 1788, continued its session for nearly a month. "On Wednesday, the 4th day of June," says Mr. Rives, "the convention resolved itself into a committee of the whole, Mr. Wythe in the chair, to take into consideration the proposed plan of government. In the lists, on the side of the Constitution, appeared as the principal combatants, Mr. Pendleton, Mr. Madison, Governor Randolph, Mr. George Nicholas, Mr. John Marshall, Mr. Innes, Colonel Henry Lee and Mr. Corbin; in opposition to it, Mr. Henry, Colonel Mason, Mr. Monroe, Mr. Grayson, Colonel Benjamin Harrison, former Governor, and Mr. Tyler."

Patrick Henry, with fiery impetuosity, proclaimed the issue in his opening speech.

"Give me leave," he said, "to demand what right had they to say, 'We the people,' instead of 'We the States?'"

James Gordon's attitude in the convention was one of modesty and self-effacement. His political views and principles were those of Mr. Madison; and while we find him vigorously espousing what was then the Federalist cause, his Federalism was never of the Hamiltonian type, which sought to exalt the central government at the expense of the sovereignty of the States. His anxiety was to see the adoption of a form of government that should prove more cohesive and vigorous than that under the Articles of Confederation; but he was in other respects as conservative as was his great colleague, of whom Hamilton, in factious anger, said, when he found Madison opposing the assumption of the debts of the States

by the General Government, "I cannot persuade myself that Mr. Madison and I, whose politics had formerly so much the same point of departure, should now diverge so widely in our opinions of the measures which are proper to be pursued."

Being a simple planter and country gentleman, James Gordon entertained no political ambitions. He was a delegate inspired with a patriotic desire to serve his people according to his best lights; and while he does not figure conspicuously in the debates of the convention, yet it may well be imagined that possessing strong convictions, endowed with health and energy, and wielding the persuasive influences of a magnetic and pleasing personality, he illustrated by his services in the committee-room those qualities which had made him the choice of his constituency at home.

The Federal Constitution was adopted by Virginia; and James Gordon retired finally from public life to the more pleasing duties and occupations of a domestic and social career. Yet with his retirement he did not cease to maintain an earnest interest in politics, and in the successful administration of government under its new instrumentalities. On the 31st of August, 1788, still absorbed with the public questions of the day, he wrote to Mr. Madison, again in New York in attendance on the Congress:

"My dear Sir: Your several letters of the 25th and 27th of July I have received; and should have answered them ere this, but they did not come to hand until a few days since at Orange Court House.

"I am pleased to find the ratification of the constitution by New York was unconditional; but I fear from the circular letter therefrom much disquietude may succeed in those States where the majorities are not large. I expect that letter will be eagerly caught by Mr. P. Henry, who in our next assembly will be greatly an overmatch for any Federalist that I know

in the same. I trust there are a majority of Federalists in the House, who I hope will firmly withstand the artful intrigues of designing men; but there are instances of the most heroic conduct being defeated for want of a competent commander. Such an one I fear we have not in our House of Delegates.

"I have carefully perused the numbers of the *Federalist,* and am happy to say the arguments therein contained are sufficiently satisfactory to my mind, and must carry conviction to every candid reader. We are all in quiet at present; there appears to be little or no opposition from the Antis. I have been informed they are generally pretty well satisfied, but I rather think their conduct is intended to lull the friends to the new government into a state of security, and then in the fall to make a violent attack. I am sorry to find New York is, as the Virginia Convention, against the power of direct taxation, without which I fear, nay, I am certain, the most apparent evils will ensue. To form a government without such a necessary power would be nearly as ridiculous as for such a government to send persons to transact business of importance, far distant, without the sufficient sum of money to enable such persons to make good their journey, and thereby to obtain requisitions from those who were not compelled to assist. Should such an amendment take place, the long and glorious endeavors of our patriots will be of little or far less beneficial consequences, than their unwearied attention for the interests of America merited.

"The conduct of North Carolina you have seen. Should they be fortunate enough to be seconded by Rhode Island, from their local situation, their knowledge in political science, and numbers, the eleven Confederate States have everything to fear. Good God! What can they promise themselves? Being the consumers of two importing States, and so unable to stand upon their own ground, I should have

thought they would have greedily caught the Union. It is reported that Mr. Henry has influenced their councils considerably since the rising of our convention, of the truth of which I have not sufficient knowledge.

"I had the pleasure of seeing your Father and most of your friends the last week, who are all well.

"It will be a matter of satisfaction to your friends in this State to know whether you wish to be in the Senate or in the House of Representatives in Congress so soon as the districts are laid out. I hope there will be care taken not to send to Congress those who are inimical to the Constitution. I shall ever esteem it a singular favor to receive any intelligence from you, and your advice upon any subject will be an additional obligation on, dear sir, your sincere friend and affectionate humble servant,

JAMES GORDON, JUNR."

The writer's apprehension of Patrick Henry's influence in the General Assembly of Virginia, which met in the following October, was justified by events. Two-thirds of its members were "Antis," opposed to the new Constitution. The election of Senators from Virginia was one of the duties of this Assembly; and Henry's efforts to defeat Madison for the Senatorship were successful. William Grayson and Richard Henry Lee were elected Virginia's first Senators under the new Federal Constitution, upon the nomination of Henry; although Mr. Madison was the sole candidate presented by those on the side of the Constitution.

The result of the Senatorial election in the General Assembly failed to disturb Madison. His original preference had been for a seat in the House of Representatives; and he became a candidate in a district composed of the counties of Amherst, Albemarle, Louisa, Orange, Culpeper, Spottsylvania, Goochland and Fluvanna. Madison charged in a letter to

Mr. Jefferson that this district had been "gerrymandered," as such a process is now known, in that only one of the seven counties composing the district, besides his own, had given an undivided vote in the convention for the Constitution. Madison said in this letter to Jefferson, that Henry, after compassing his defeat for the Senate, had "taken equal pains, in forming the counties into districts for the election of representatives, to associate with Orange such as are most devoted to his politics, and most likely to be swayed by the prejudices excited against me."

"The device of gerrymandering," comments Madison's biographer, Mr. Rives, "would thus seem not to have the origin its name imports, and which common fame assigns it, but to have been first put in practice, though ineffectually, by the great Virginia orator and tribune, against Mr. Madison in the first election of representatives under the Constitution."

After casting about and considering Mr. Strother and Mr. William Cabell, the elder, the "Antis" finally settled on James Monroe as the opposing candidate. Mr. Madison arrived in Virginia from New York about the close of December, and the election took place on the following 2d of February; and a number of political discussions, a divertisement which to the present day has been the delight of the Virginia voters, ensued between the candidates. The election resulted in the choice of Mr. Madison by a decided majority.

Mr. Rives says: "Mr. Madison often gave a graphic and amusing account of a discussion which took place between him and Mr. Monroe, in the open air, on a cold January day, amid the bleak hills of Culpeper. They addressed the people in the face of a keen northeasterly wind, from the portico of a Lutheran meeting-house, after the close of the religious services of the day; with which the grave and solemn import of the question discussed to the future destinies of the country was supposed to be not out of

keeping. Such was the extremity of the cold, that Mr. Madison's ear was slightly frost-bitten while speaking. Some traces of the injury always remained; and he would playfully point to them as the honorable scars he had borne from the battlefield. It is gratifying to know, that this brief political campaign was not attended with any interruption of the personal cordiality of the parties. In writing a few weeks afterwards to Mr. Jefferson, the common friend of both, Mr. Madison says: 'It gives me great pleasure to inform you, that the friendship of Monroe and myself has not been affected in any degree, by our late political opposition.' "

In "The Journal of a Young Lady of Virginia, 1792," written by Miss Lucy Lee, which preserves a very sprightly and vivid picture of the social life of the period in the new Commonwealth, frequent mention is made of the Gordons of Germanna, in whose hospitable home the writer appears to have been a welcome guest.

"Mr. James Gordon," says the fair diarist, "is come from Chatham. Mrs. Fitzhugh has sent me a very pressing invitation to go there this evening, and to-morrow to the races; but I have not the smallest inclination, and shall not go. This Mr. Gordon is a mighty clever man,—I wish you could see him."

This vivacious journal was composed for the benefit of a young girl friend of the author's; and contains in its many passages concerning Germanna and its residents a number of interesting references to "old Mrs. Gordon," widow of John of Richmond, who had come to Orange to reside with her son James, after his father's death, and to the other members of the family. At the time of Miss Lee's inscription in her diary of the arrival of "Mr. James Gordon" from Chatham, that well-known seat of the Fitzhughs in Virginia was the residence of William Fitzhugh, grandfather of the wife of General Robert E. Lee. William Fitzhugh at a later date removed

to Ravensworth, in Fairfax County, which afterwards became the home of General William Henry Fitzhugh Lee, the second son of General Robert E. Lee. William Fitzhugh, of Chatham, and of Ravensworth, was a man of singular nobility of character and fine sense; and was so greatly admired and beloved by James Gordon that the latter named for him the subject of this biography, his second son, William Fitzhugh Gordon. The latter was accustomed to say that he had once asked his father, when he was a lad, why it was that he had named each of his three brothers after the Churchills,—John Churchill, Armistead Churchill, and Thomas Churchill,—and had named him Fitzhugh; and that his father had replied to him with an appearance of deep feeling, which left its lasting impression: "My son, if you shall emulate the virtues and the life of the man for whom I have named you, there will never be need for you to regret that you failed to have a different name."

James Gordon, of Orange, appears from the records of Orange, Spottsylvania and Culpeper counties, to have been a large landed proprietor, owning various tracts in those counties, aggregating several thousand acres. Among them in described "a certain tract or parcel of land lying in the lower end of Orange County, being a part of the tract of land originally sold by General Alexander Spotswood to Mr. Peter Conway, containing by State survey 652 acres"; and another tract in Spottsylvania, which is described, in a deed from General Henry Lee ("Lighthorse Harry"), and Ann Lee his wife to James Gordon, named therein as "of Culpeper," as "531 acres, with all Houses, Buildings, Gardens, Orchards, Woods, underwoods, ways, waterways, profits, easements, advantages, hereditaments and appurtenances whatsoever to the said land belonging"— a description which would seem to characterize the leisure, the perspicuity and the picturesque-

ness of the times, when compared with the usual description in the average conveyance of lands in this more prosaic and hurrying day.

James Gordon died intestate in the prime of life, aged forty, at his home at Germanna, on Saturday, December 14, 1799—a day piously and patriotically remembered and commemorated by his children and descendants as that on which also occurred the death of the Father of his Country, General George Washington. His public career consisted solely, as has been stated, in his service in the General Assembly of Virginia and in the Convention of 1788; but it is interesting to observe that his descendants and those of his uncle, Colonel James Gordon, of Lancaster, have been prominent members of, or connected in an official capacity with every constitutional convention, save one, which has ever sat in Virginia. His first cousin and brother-in-law, James Gordon the second, of Lancaster, was a member of the Convention of 1776, which framed Virginia's first written constitution; and also represented that county in the Convention of 1788, where he advocated the cause of Henry and the "Antis." William Fitzhugh Gordon was a member of the Constitutional Convention of 1829-30; and his son and namesake William Fitzhugh Gordon, Jr., was one of the secretaries of the Constitutional Convention held in the city of Richmond in 1861, which adopted the Ordinance of Secession, and was the special emissary of the convention who conveyed the official copy of that tremendous document to Jefferson Davis, President of the Confederate States, at Montgomery, Alabama. Again, in 1868, when the carpetbaggers and scalawags in Virginia gathered at Richmond, after the close of the War between the States, to reconstruct what had been the Commonwealth, and was then "Military District Number One," by framing a new constitution that would be acceptable to the powers at Washington, a great grandson of Colonel James

Gordon, of Lancaster, the honorable Joseph Addison Waddell, of Augusta County, was one of a small but devoted band of patriots in the "Black and Tan" Convention, who sought to stem the tide of ignorance and hatred. In the restored and revitalized State, its latest Constitutional Convention assembled in Richmond in 1901 to amend and alter the constitution of the "Black and Tan" gathering; and in that body's one hundred members were numbered three descendants of the two emigrant brothers from Newry—one of them, James Gordon Waddell, a great-great-grandson of Colonel James Gordon, of Lancaster, representing the city of Richmond, and the other two, great grandsons of James Gordon, of Orange, namely, Reuben Lindsay Gordon, representing the county of Louisa, and William Gordon Robertson, representing the city and county of Roanoke.

In the county of his adoption the memory of James Gordon, of Orange, is preserved in the designation of one of its four magisterial districts, the other three of which bear the historic names of Madison, of Barbour, and of Taylor.

CHAPTER III

EARLY LIFE

Soon after the death of his father, William Fitzhugh Gordon, who was born at Germanna, January 13, 1787, and was the second son of his parents, was sent to the neighboring town of Fredericksburg to learn the mercantile business in the store of a thrifty Scotch merchant there. He was then in his thirteenth year. His father, notwithstanding his large landed possessions, had died, as has been stated, leaving his estate more or less embarassed; and there was no ready money available for a college education of the lad, besides whom there were three other boys and two girls in the family. He had attended a neighborhood "old-field school" in his father's lifetime, where "reading, writing and arithmetic" were taught; and of these elementary branches he had acquired a very good knowledge. His lines fell in profitable, if not pleasant places, however, in his association with the Fredericksburg Scotchman, who was a man of intelligence and education; and forming an attachment for his young clerk, in whom he perceived the promise of capacity and industry, this gentleman himself directed, as best he could, the boy's education during the time that he remained with him. After several years thus spent in Fredericksburg, during which he applied himself closely both to his business and his books, young Gordon secured a position as a school teacher, and conducted a school for one or more sessions, until he could make and save enough money to pay his way in a good classical academy. At this time his cousin, James Gordon Waddell, son of "the Blind Preacher," was conducting a school for boys and young men at Spring Hill, just across the road from Hopewell, the

residence of the "old man eloquent," near the town of Gordonsville. Gordon entered his cousin's school, and lived in the meantime in the house of Dr. Waddell, paying his board and tuition with the money which he had earned for the purpose. For the members of this family he always afterwards cherished and manifested a devoted affection; and his admiration for the goodness of "the Blind Preacher" was as lively as that which he entertained for his oratorical ability. He was accustomed in after years to speak of the time which he spent at Hopewell as one of the most valuable, as it was one of the pleasantest periods of his life; and to say that he cared for none of his relatives more than he did for his Waddell kin.

After attending the Spring Hill academy for two sessions, he left it with a knowledge of the Greek and Latin classics that was unexcelled by that of any youth in the school—an accomplishment which was doubtless due no less to the fine classical acquirements and skillful instruction of his preceptor, who was a cultured and highly educated man, than to the boy's own natural aptitude and industry as a student.

When he was in his twentieth year he returned to Fredericksburg; and having determined to pursue the profession of the law, he obtained a position as law-clerk in the office of General Benjamin Botts, who not only paid him for the services which he rendered, but directed and assisted him in his legal studies. This method of combining the study of law with the acquisition of a practical knowledge of the profession was a favorite one with those young men of the day who proposed to become lawyers; and many of the ablest attorneys in Virginia of Gordon's generation never crossed the threshold of any regularly constituted law-school. He could have had no more efficient or interested counsellor and friend than General Botts, who was himself one of the leading

lawyers of his day in the Commonwealth, and whom the attractive personality and evident ability and purpose of his young clerk impressed, as they had at an earlier date impressed the Scotch merchant. Gordon during this period attended the sessions of the courts which met in Fredericksburg, and saw cases tried and heard arguments presented by many distinguished members of the Virginia bar, which in that day had on its roster the names of men who were famous the country over for legal knowledge and forensic talents.

It was during his stay in General Botts's office that the celebrated trial of Aaron Burr for treason took place in Richmond. The preliminary examination of Burr was had before Chief Justice Marshall, and was conducted by Cæsar Rodney, the Attorney-General of the United States, and George Hay, the United States attorney for the Federal District of Virginia, John Wickham and Edmund Randolph appearing as counsel for Burr. Burr was sent on to the Federal grand jury, of which John Randolph, of Roanoke, was foreman, and was admitted to bail. When the case came on for trial on the indictment found, Rodney had withdrawn as counsel for the prosecution, and William Wirt and Mr. McCrae assisted Mr. Hay; while General Botts and Mr. Baker appeared with Messrs. Wickham and Randolph for the prisoner. Both prosecution and defense were conducted in a manner noteworthy not only in political history but in the history of legal trials, as one of the most famous that has ever occurred in America. The verdict of the jury was: "We of the jury say that Aaron Burr is not proved to be guilty under this indictment by any evidence submitted to us. We therefore find him not guilty."

Gordon remained in General Botts' office about two years, making the most of his time in study and observation, but not neglecting in the meanwhile the acquisition of another branch of knowledge, which

was as essential to the success of the young practitioner in Virginia as that of Coke on Littleton. He mingled with the society of the able men and accomplished women for which the town of Fredericksburg at that time was especially noted, and while studying human nature, at the same time enhanced those attractions of manner and bearing, and developed the natural powers of conversation which throughout his subsequent career made his society eagerly courted by all with whom he became acquainted. He possessed a natural gift of oratory, which he cultivated by exercise as occasion presented itself; and having at length been licensed to practice law, he was admitted to the bar in 1808, and opened an office at Orange Court House, where he at once took a prominent position among the members of the junior bar. In 1809, regarding Charlottesville, the county-seat of the adjoining county of Albemarle, as a more advantageous location, and one affording a larger field of opportunity, he removed thither; and from that time up to his retirement from practice, was one of the most prominent of the members of his profession in the county. His taste for speaking soon attracted to him the attention of those who were interested in local politics; and within three years after he settled in Charlottesville, while yet in his twenty-fifth year, he was made Commonwealth's Attorney for the county. The bar of Albemarle at that time was especially strong in the ability and acquirements of the lawyers who constituted it. Among them were Dabney Carr, a nephew of Jefferson, who later became chancellor, and a distinguished Judge of the Supreme Court of the State; Joseph J. Monroe, a brother of the President, who was Dabney Carr's successor, and Gordon's immediate predecessor, in the office of Commonwealth's Attorney; John S. Barbour, later legislator, congressman, member of the Virginia Constitutional Convention of 1829-30, and able exponent of the State-Rights republicanism

of the period in the halls of the Federal Congress; Valentine W. Southall and Richard H. Field, who are remembered as among the great Virginia lawyers of the past. It was a notable honor thus conferred upon so youthful and recent a comer; for the office, highly responsible and dignified always in itself throughout Virginia, has been, from the very foundation of the county, down to the present time, especially esteemed by the people of Albemarle, who have been proud to see among the fourteen lawyers who have held it since 1783, in addition to Carr, Monroe and Gordon, men so eminent in the profession in their generations as Valentine W. Southall, William J. Robertson, R. T. W. Duke, Egbert R. Watson and Micajah Woods. The prosecution of criminal cases, however, did not appeal to Gordon's tastes or inclinations; and he resigned the office before he had served out his first term. From that time on, during a period of several years, and until he became engrossed in the active pursuit of politics, he devoted himself assiduously to the general practice; and his services were especially sought after for the defence of criminal cases, where his combination of legal knowledge with ability as an advocate made him unusually strong. During this period of his life he was a diligent student of his profession as a science, and laid the foundations of a broad acquaintance with the principles of jurisprudence and the methods of procedure which made him an almost invincible opponent in the trial of a litigated law case; and gave him at once, both upon his entering the Virginia House of Delegates, and the United States House of Representatives, positions upon their respective Judiciary Committees. In these positions, as hereinafter detailed, he left the permanent impress of his knowledge and his ability upon the legislation both of the Commonwealth and of the Republic.

A close personal friendship had long existed between Gordon and James Barbour, later highly

distinguished as Secretary of War in the Cabinet of President John Quincy Adams, and as Minister to the Court of St. James. He was a son of Colonel Thomas Barbour, who had been one of the "Anti" candidates for the convention of 1788 against Mr. Madison and James Gordon; and acquired a knowledge of law while serving as deputy-sheriff. He was admitted to the bar at the age of nineteen; and two years later was elected to the House of Delegates, where he served sixteen years, when he was chosen Governor. After a term as Governor he was elected to the United States Senate; and in 1837 presided over the Whig Convention at Harrisburg, which nominated General Harrison for the Presidency. Although Barbour was twelve years Gordon's senior, a strong personal intimacy existed between them, which despite their political separation some years prior to the former's death in 1842, remained uninterrupted to the end.

On January 21, 1812, we find Barbour, who had a few days before entered upon his term as Governor, writing from Richmond the following intimate and ingenuous letter to his friend Gordon:

"Dear Gordon: I received your letter of this month some days past, and in the cant of public men must tell you that I should forthwith have answered it but for the pressure of important business. Believe me, my good friend, the sentiments of affection it breathed were precious to my soul. What in this life can equal that pleasure which arises from the communion of friendly souls? If it gives new and vivid coloring to prosperity, it also blunts the arrow of misfortune. Whether then my doom shall be one or the other, let me always have this solace. And I feel an indescribable evidence that the cord of sympathy and affection between you and me will not easily be severed.

"I have entered upon a new and untried path.

What may be the result is left to all-trying time. My eye is steadfastly fixed upon the prosperity of my country, for which I may say to my friends no man has a more ardent attachment. My errors, as I apprehend there will be many, by all who know me will be placed to their true cause, in which they know my heart will have no share.

"I rejoice that there is a fair field presented to you for reaping profit and renown in your professional career. I do not mean to flatter when I tell you that you have the seeds of success. They only want cultivation, and I pray God that you may not thwart the bounty of nature. And I must tell you, not to puff you, that this opinion is not the partiality of a friend, but I have heard it from those who are capable of judging, and who towards you are impartial.

"I had indulged a hope when I retired from the bar that I should have been able to give you a substantial evidence of my friendship by inviting you to take under your care all my business. But I have just been advised by my pupil, John S. Barbour, of his determination to commence practice in the courts of Albemarle and Orange. From circumstances which a feeling heart can at once recognize, his claims are paramount to any other; and I am sure that you will at once duly appreciate the motives that influence me, and the frankness of this information.

"The House of Delegates have to-day passed a law dividing the transmontane district into four, a new judge to be appointed, and one to attend two districts. What will be its fate is uncertain, as great doubts are entertained in the Senate. An increase of the banking capital in this State, to the amount of three million dollars in the aggregate, is likely also to pass the same body, and the result of the question is equally uncertain, as it has to pass the Senate also.

"No doubt seems to be entertained here but that war is inevitable. The late Presidential message

seems to indicate a determined spirit of hostility on the part of Great Britain.

"As to the question you propound of the legal representative of the much lamented Botts, you have no doubt seen the advertisement of G. Minor, which has already advised you that he is to transact his business.

"I am, with sentiments of friendship, yours,

"JAMES BARBOUR.

"Mr. D. Carr has been excluded to-day by P. Randolph by a majority of 22.—J. B."

On the 26th of the month preceding the date of Governor Barbour's letter to Gordon a public calamity of extraordinary character took place in Richmond. The Richmond Theatre, at which were assembled an audience of six hundred persons to witness a new drama, for the benefit of Placide, a favorite actor, which was to be succeeded by the pantomime of "The Bleeding Nun," was burned with great loss of life. "The wild legend," says Mr. Howison, in his "History of Virginia," "on which this spectacle was founded, had lost none of its power under the pen of Monk Lewis, and even in pantomime it had awakened great interest. The regular piece had been played; the pantomime had commenced; already the curtain had risen upon its second act, when sparks of fire were seen to fall from the scenery on the back part of the stage. A moment after, Mr. Robertson, one of the actors, ran forward, and waving his hand towards the ceiling, called aloud 'The house is on fire!'" In the tumult that ensued the flames spread with great rapidity, and the loss of life was appalling. Many sought to save themselves by leaping from windows and thus perished; while a larger number were lost in the flames. Among the dead, who aggregated nearly a hundred, were George W. Smith, the Governor of Virginia, and General Benjamin Botts, Gordon's

friend and law preceptor, who, having escaped from the burning building, re-entered it to rescue his wife and niece, both of whom perished with him.

Soon after Gordon's admission to the bar, and while residing in Orange, he married, on the 21st day of December, 1809, Mary Robinson Rootes, of "Federal Hill," Fredericksburg, a daughter of Thomas Reade Rootes, in whose hospitable mansion, which still remains one of the "show-places" of the old town, he had been a frequent and welcome guest during the period of his legal apprenticeship in General Botts' office. With every prospect of a life of happiness in her union to one of sympathy and devotion, whose abilities, associations and energies even then gave promise of his subsequent distinguished career, she survived the marriage but little more than a year, and died in January, 1811, in the bloom of lovely young womanhood. Her younger sister, Sarah Robinson Rootes, married John Addison Cobb, who moved to Georgia, and was the mother of Howell Cobb and Thomas Reade Rootes Cobb; the former of whom was Speaker of the United States House of Representatives, Governor of Georgia, Secretary of the Treasury under President Buchanan, and Secretary of the Treasury of the Confederacy, and a major-general in the Confederate States Army in the War between the States; and the latter, one of the most brilliant and distinguished lawyers of the Georgia bar, and a brigadier-general in the Confederate Army, who was killed in battle, in 1862, at Fredericksburg, in sight of the old house of "Federal Hill," in which his mother had been born and reared.

In January, 1813, and while living in Charlottesville, Gordon married his second wife, who was thenceforward the companion of his own long life, and who survived him many years, dying in the latter part of the nineteenth century at the advanced age of ninety-five. She was Elizabeth Lindsay, the daughter of Colonel Reuben Lindsay, a wealthy merchant

and planter of Albemarle, a colonel in the service of the colonies during the period of the Revolution, and a personal friend and intimate of Mr. Jefferson, Mr. Madison and Mr. Monroe. This intimacy and friendship was a long-continued and lasting one; and we find in the first letter written by Gordon to his wife from the Constitutional Convention of 1829-30, of which the two last named venerable ex-Presidents were members, that he conveys from them to Colonel Lindsay a message of esteem. "Tell your father," he writes, "that Mr. Madison and Mr. Monroe both inquired after his health; and that theirs is improving."

Mrs. Gordon was a woman of great force of character, of unusual intelligence, of marked cultivation and literary acquirements, and of devoted though unostentatious piety. At the time of their marriage Gordon had already attracted the attention of Mr. Jefferson, who had then retired to private life at Monticello, after a nearly continuous public service of forty-four years; and this union of the youthful lawyer with the daughter of one of his valued friends served to bring the younger man and the older into those closer relations of admiration and veneration on the one hand, and of confidence and esteem on the other, which contributed in no small degree to inducing Gordon at a later period to become a candidate for the General Assembly, when Mr. Jefferson was most actively urging before the legislature the creation of one of the noblest monuments of his genius, the University of Virginia. Elizabeth Lindsay, in her girlhood and young womanhood, had formed such an association and companionship with Mr. Jefferson's daughters, who later became Mrs. Randolph and Mrs. J. W. Eppes, as often grows up between young women of sympathetic feelings and congenial tastes; and she frequently visited the family at Monticello. Among the many interesting reminiscences which brightened her later years was

one which she regarded as very illustrative of the systematic utilization of time by Mr. Jefferson. She said she had observed that there was always a volume of some sort on the mantel-shelf of the dining-room at Monticello, from which, whenever she entered the room at meal times, she almost always found him reading, while he stood near the fire-place, waiting for family and guests to assemble. The circumstance interested her so much that she ventured to inquire of him why he should read standing, and at such brief and unusual moments. He replied that he had always sought to cultivate punctuality, a virtue that did not consistently characterize so large a household as his; and that by economizing the waiting moments, he had found leisure to read, as she had seen him reading, a very large number of books, the perusal of which he might otherwise have been forced to forego.

Of Mrs. Gordon's unselfish devotion to her husband during their long union perhaps no more characteristic illustration can be given than in her conduct at the time of the burning of their dwelling-house in Albemarle, during his absence in Washington in the session of the last Congress of which he was a member. She was aware of the engrossing attention which the public business demanded of him, for he was then especially busy with his Sub-Treasury plan; and she wished to convey to him with as little shock as possible the news of the calamity which had thus befallen them. She wrote February 15, 1835, from her father's home at Springfield:

"We are all well. I heard from our dear little boys since I wrote last to you. They were in fine health and spirits. These are blessings to be thankful for; and now, my dear husband, when I tell you your manuscript papers and books are safe, I hope you will not suffer yourself to be much agitated, when I add that our house is burned. Most of the

furniture of the lower rooms is saved. The girls lost all their clothing of every description, except a few trifles and what they had on. The first feeling of my heart was deep and fervent gratitude to God for having preserved us from the accident happening in the night. I shudder to think what sorrow we might then have had; but all my children are now safe, and I am perfectly resigned to any inconveniences we may have to encounter. I must mention to you that we are indebted to Mr. Provost, the young gentleman who lives at Mr. Rives', for the saving of all that was saved. He called at our house that day. Maria Walker was with me. Dinner was ready soon after. While at dinner in the cellar, a spark caught the roof from the chimney. No one observed it, until a large part of it was in a blaze, and the wind blowing violently. All the servants except Harry lost all presence of mind; and Mr. Provost and himself got most of the things out. I asked him to save your papers and books first; and went in myself and seized your likeness, when I found Reuben pulling me out of the house. Reuben and William behaved like heroes. They were quite collected and helped to get out a great many things. All our neighbors crowded to our assistance, black and white,—but before any men got there, it was impossible to enter the house.

"You know how often I have told you that my courage always rises to meet the occasion. I am perfectly composed. You must think of us as on a visit to our dear affectionate mother and sister, happy to know that we are all safe. If your public duties make it important for you to stay from us till the close of the session, do so. I will write to you every post. All I beg, my dear husband, is that you will not risk your health or safety in coming while the ice is on the river. I told Cousin Lewis last night that I should write to cheer you, and beg you not to forsake the standard of old Virginia's principles for

a paltry fire. There is not a man in the district that can be elected to support them now, but yourself; and perhaps it will be an effort congenial with your spirit to rise above this misfortune. I have no doubt or fear but we shall all be comfortable again. The girls beg me to ask you, if the silks are not purchased, not to get them, or anything for them but plain and neat clothing, such as gingham, cambric, calico. If you have bought plates and dishes, perhaps you would better sell them again.

"Now again let me beg of you to take care of your own health, and don't venture on the ice. When I see you and my children together again I shall be the happiest woman in the world. All send love to you more than I can express, and may God bless and preserve you.

"Ever your affectionate wife,

"E. L. GORDON.

"Don't think this blotted sheet the effect of agitation. I write with a bad pen and my hand very cold."

His courage was as lofty as hers. He met her message with a serene optimism that was the counterpart of her own:

"Washington, 17 February, 1835.

"My dear Wife: I have just received your letter, communicating the loss of our dwelling-house. I have felt a good deal in sympathy with you and my dear children; but, thank God, you are all safe. The inconvenience of our loss is more than its value. The house was an indifferent one, and intrinsically worth but little, save as having been our habitation through many years. Its destruction produces a mournful feeling.

"I shall procure the girls some new clothing. I have determined not to leave my post here, until just before the adjournment. Perhaps I may be at March Court. I do not know that I could render any

peculiar service by coming sooner; and I do not wish to give to my political adversaries any subject of criticism.

"I am pleased at your account of the bearing of Reuben and William during the fire. I hope that they will be brave and virtuous men.

"I communicated our misfortune to my friend, Mr. Robertson. He says you ought to be pleased, as I shall be compelled to build you a new house. You must think of this. I am afraid that you will crowd your mother very much, but I know it will afford her pleasure to shelter you under the circumstances.

"I hope the overseer will not relax his efforts for a crop; and that you will compose yourself as much as you can. I shall soon be with you; and perhaps our accident will turn out a blessing. It will arouse me to greater exertion and economy; but I feel it sensibly to have a houseless family at so inclement a season, and to be absent from them.

"It is not in my nature to grieve at mere pecuniary loss, and but for the sufferings of you and my dear children I should be very composed. My health never was better. The mess, and the family of Mrs. McDaniel expressed great concern for our loss. Mrs. McDaniel very generously offered to loan me all her spare money to assist me in building. The little kindness I have shown to her and her family, in helping them to make and keep their mess, has made them my very sincere friends. The girls send their love and sympathy for you. I shall get them to procure for M. and H. several new dresses, &c.

"Affectionately and sincerely yours,

"Wm. F. Gordon."

The house thus destroyed in February, 1835, was not without an interesting history. When Gordon married Mary Rootes, her father, who was a man of wealth, had purchased for the young couple a farm in the vicinity of Orange Court House, the village

where he first opened a law-office for practice; and they lived on their farm for the short period of their married life, during which he combined, after the custom of the Virginia country lawyer of the period, the avocation of the gentleman-farmer with the vocation of the practising lawyer. Upon the early death of his first wife, with the highmindedness and fine sense of right which always characterized him, he re-conveyed to her relatives the farm which had thus come to him from her father, although at the time he was possessed of little worldly gear, and well understood the value of its possession in beginning the battle of life. He left Orange about this time, and settled at Charlottesville. Here for a long period, interrupted after his second marriage by a temporary sojourn at Springfield, the home of his father-in-law, Colonel Lindsay, he continued to reside, and to practice his profession, meanwhile "riding the circuit" in attendance on the courts held in Orange and Louisa, as well as those of Albemarle, until in 1825, when he purchased from Nathaniel Ragland the property on the south side of the Southwest Mountains, near the town of Gordonsville, the destruction of the dwelling-house on which has been described in one of the foregoing letters.

The farm and dwelling had in colonial times constituted "The Glebe" of Fredericksville parish, in Albemarle. Its first occupant as glebe property was the Reverend James Maury, for whom, says Bishop Meade in "Old Churches, Ministers and Families of Virginia," "soon after he settled in the parish a good glebe of four hundred acres was purchased, near Captain Lindsay's, and a parsonage built, which with the outhouses and other improvements, seem during his life to have been well attended to by the vestry." It may be noted that in 1763, when the parish was divided into Trinity in Louisa County, and Fredericksville in Albemarle, by an act of Assembly, the vestry of Fredericksville was ordered to pay two

hundred pounds—half the price of their glebe—to the new vestry of Trinity for the purchase of a glebe. Here the Reverend James Maury, who was both rector and teacher of a small school, was succeeded by his son, Mr. Mathew Maury, who continued rector of Fredericksville parish until his death in 1808. The Reverend Mathew Maury also supplemented his meagre salary as an Episcopal minister by teaching a boys' classical school at "The Glebe;" and educated here a large number of the sons of prominent Virginia families. Among his father's pupils was Mr. Jefferson, who attended the school as a lad, prior to entering the ancient college of William and Mary in Virginia, at Williamsburg. In his venerable old age, after the purchase by Gordon of "The Glebe," as a place of residence, Mr. Jefferson said jestingly to Mrs. Gordon, "My dear, do you know that you have got the Old Boy's room in your house?" and in response to her somewhat astonished query of his meaning, informed her that it was the room dedicated to the occupancy of the older lads of Parson Maury's school. A nephew of the Reverend Mathew, and grandson of the Reverend James Maury, of "The Glebe," was Commodore Mathew Fontaine Maury, of great fame in the later history of the country for his scientific career, which earned for him the unique and illustrious title of "Pathfinder of the Seas."

After the destruction of the old glebe house at Edgeworth by fire in 1835, Gordon built the commodious brick mansion now standing on the place, which has been described by a local chronicler as a "handsome brick structure, which is two stories in height, with double rooms and a wide hall on each floor, besides a large cellar;" and of which the further statement is made that "it formed at that date an imposing building, being much superior to those of his neighbors, and its spacious apartments became the scene of a refined and elegant hospitality."

Here he resided up to the time of his death.

CHAPTER IV

"THE RED HILLS OF PIEDMONT"

Whatever may have been the relative architectural merits of Gordon's new house at Edgeworth and those of its owner's neighbors, it is certain that at no period in the history of Colony or Commonwealth, and in no neighborhood characteristic of either, could there be found in Virginia a society more cultivated, refined and genteel than that composing the neighborhoods between the towns of Gordonsville and Charlottesville, along the base of the Southwest range of mountains. Beginning at the former place, then but a small country village, where later a town of some size grew up about the home of Nathaniel Gordon, an uncle of William Fitzhugh Gordon, from whom it took its name, situated upon a section of the eighteen hundred acres of land which he owned there, and traveling westward, one came successively to "Hopewell," the home of Gordon's uncle by marriage, "the Blind Preacher" Waddell, near the church in the wilderness, where William Wirt had seen him lift his sightless eyeballs to heaven, and tell with words of inspired eloquence how "Socrates died like a philosopher, but Jesus Christ like a God." Near by were "Springfield" and "The Meadows," the homes of the Lindsays, of which family came Gordon's second wife; and in the immediate neighborhood was "Logan," then occupied by Captain Lewis Walker, of the distinguished family whose founder in Albemarle County was Dr. Thomas Walker, famous as a pioneer and explorer in Kentucky, and a diplomat in dealing with the Indian tribes of the western frontier. Dr. Walker was commissary-general of the troops under Washington, who accompanied Braddock on his ill-fated

expedition, and was present at his defeat. He served in the House of Burgesses and on the Committee of Safety, and was President of the commission to fix the boundary line between Virginia and North Carolina. He was Jefferson's guardian. By his marriage with the widow of Nicholas Meriwether he acquired "Castle-Hill," the home, at a subsequent date, of his relative, Mr. William C. Rives. One of Dr. Walker's daughters, Betsy, married the Reverend Mathew Maury, who taught school in the old Glebe house at Edgeworth. Another daughter, Lucy, was the wife of Dr. George Gilmer, of "Pen Park," and the mother of Mildred Gilmer, who married William Wirt, the author of "The British Spy," and Attorney-General of the United States. A grandson of Dr. George Gilmer and Lucy Walker was Governor Thomas Walker Gilmer, who was Secretary of the Navy in President Tyler's administration, and was killed by the explosion of a cannon on the steamer *Princeton.* During Gordon's life "Logan" continued the home of Captain Lewis Walker, who was Gordon's brother-in-law, he having married Maria Lindsay, the sister of Mrs. Gordon. One of their sons was General Reuben Lindsay Walker, of the Confederate States Army.

West of "Edgeworth" was "Keswick," the home of the Pages, whose history from colonial days to the present has adorned the annals of Virginia. During the period of this biography its owner was Dr. Mann Page, a distinguished physician of his day, who on his maternal side was a grandson of that Archibald Cary, known as "Old Iron," of whom it has been said by the historian of the Virginia Convention of 1776, that when the scheme of a dictator for Virginia was talked of in the Assembly at Williamsburg, and it was alleged that Patrick Henry's friends favored him for the office, "Cary met Colonel Syme, the half-brother of Henry

in the lobby of the house, and accosted him: Sir, I am told that your brother wishes to be dictator. Tell him from me, that the day of his appointment shall be the day of his death; for he shall find my dagger in his heart before the sunset of that day." Two of Dr. Page's grandsons, James Morris Page, and Thomas Walker Page, are now prominent professors in the University of Virginia, the former being Dean of the Collegiate Department, after having filled the position of Chairman of the Faculty.

West of Keswick and nearer the mountain was "Castle Hill," during Gordon's life the home of Mr. William Cabell Rives. Mr. Rives was one of the most conspicuous figures in American politics in the first half of the nineteenth century. He was elected to Congress in 1822 as a Democrat, and after serving three terms was sent to France as Minister from the United States by President Jackson. He succeeded Senator Tazewell in the Senate in 1832, where he was known as a "Conservative." He resigned in 1834, and was again elected Senator in 1835, holding the office till 1845. He was a prominent figure in the debates on the expunging resolutions and the Sub-Treasury scheme; and was again Minister to France in 1849. He was a public speaker and debater of great ability, and a scholar of varied culture. Among his other literary works was an elaborate "Life of James Madison."

Mr. Rives, Dr. Page, and Gordon all had sons in their families; and under an arrangement participated in by the three houses, a teacher was employed to whom these lads went to school; and who taught, generally in turn, at Edgeworth, Keswick or Castle Hill. The annalist of the school states that Mr. Provost, whose helpful conduct at the burning of the Edgeworth house is described in Mrs. Gordon's letter to her husband, taught at Castle Hill in 1835-36, and that he "was one of the best teachers." He naïvely adds that Mr. Provost "also courted all

the marriageable girls in the neighborhood." These teachers were young men, who were graduates of Princeton, of Yale, of Bowdoin, of Harvard, and of the English Universities. George Jeffrey, of Cambridge University, taught at Keswick in 1843-1844, and at Edgeworth the following session. "It was about this time," writes the annalist, "that F. W. Meerbach, a famous German pianist, gave music-lessons to young ladies in the neighborhood. Mr. Jeffrey was a very eccentric man, and the two had a quarrel, resulting in Mr. Jeffrey's going next session to Edgeworth." Among the last teachers of the neighborhood, most of the boys having in the mean time grown up, was Mr. Calvin S. Maupin, of North Carolina, who taught at Edgeworth. Of him the school-annalist writes: "Mr. Maupin was not a very literary man, nor did he much enjoy conversation at meals, being usually blessed with a ravenous appetite. Thus, while General Gordon was telling some anecdote about President Jackson, while a member of Congress, Mr. Maupin interrupted him in the middle of the most interesting part by remarking, 'General, you got my bread!' "

Next to Castle Hill, on the west, was "Kinloch," the home of the Meriwethers, a family which gave to the country one of its most famous explorers in the person of Meriwether Lewis, the companion of Clark on the great "Oregon Trail." Of him Mr. Jefferson said: "He was courage undaunted, possessing a firmness of purpose which nothing but impossibilities could divert from its direction, and was intimate with Indian character, customs and principles." Other distinguished members of this family were the two David Meriwethers, the elder of whom went to Georgia, where he attained prominence as a legislator and Congressman; and who was appointed in 1804 by Mr. Jefferson a commissioner to treat with the Creeks, and also served with Andrew Jackson in making a treaty with the Cherokees.

The younger David went to Kentucky, where he became a member of its Constitutional Convention of 1849, later Speaker of its House of Representatives, and succeeding Henry Clay in the United States Senate in 1852, was afterwards territorial Governor of New Mexico.

The occupant of "Kinloch," in Gordon's time was Dr. Thomas W. Meriwether, whose wife was a granddaughter of Governor Thomas Nelson, of Yorktown, and a daughter of Hugh Nelson, son of Thomas, upon whose death, in 1836, Kinloch came into the possession of Dr. Meriwether. Hugh Nelson was among the most distinguished of the many distinguished men of this Piedmont section. He was Speaker of the House of Delegates in the General Assembly of Virginia, and a judge of the General Court. He was elected to Congress, where he served twelve years, when he resigned; and was then appointed United States Minister to Spain.

Nelson's residence, however, was not at Kinloch, which was built by Dr. Meriwether, but at "Belvoir," near by. Nelson obtained the Belvoir estate by his marriage with Eliza Kinloch, only granddaughter of John Walker, the eldest son of Dr. Thomas Walker, of Castle Hill. John Walker of Belvoir served as "an extra-aide" on General Washington's staff during the Revolution; and in 1790 was a United States Senator, by executive appointment, succeeding William Grayson. Walker's wife was Elizabeth Moore, granddaughter of Alexander Spotswood, Colonial Governor of Virginia, and founder of the "town" of Germanna, whose description by William Byrd, of Westover, has been given in a former chapter.

Further west, in the direction of Charlottesville, stood "Belmont," the home of the Everetts, whose owner in the early decades of the nineteenth century was Dr. Charles Everett, a graduate in 1796 of the medical school of the University of Pennsylvania, who was at one time Gordon's colleague in the House

of Delegates, later serving as private secretary to President James Monroe.

Near Belmont was "Edgehill," the residence of Jefferson's son-in-law, Governor Thomas Mann Randolph. He was a descendant of William Randolph of Turkey Island, the progenitor in Virginia of many distinguished men of the name who have adorned American history with the story of their civic achievements; and who was also the ancestor of Mr. Jefferson himself, and of General Robert E. Lee. Governor Randolph was educated at William and Mary College, and at the University of Edinburgh. He was a member of the Virginia Senate in 1793 and 1794, and a representative in Congress from 1803 to 1807. One of his biographers says of him: "During the War of 1812 Mr. Randolph's ardent patriotism was conspicuous. He raised a command and gallantly participated in the engagements of the seaboard, and was soon promoted to lieutenant-colonel, and placed in command of the First Light Corps." He was Governor of Virginia from December 1, 1819, to December 1, 1822.

Gordon served under Colonel Randolph in the War of 1812, first as a private, and then at headquarters. His admiration for him was very great; and we find that his letters of the period, written home to his wife, contain frequent allusions to him. In 1819 he was Gordon's colleague in the House of Delegates.

"Colonel Randolph's election to be Governor of the State," wrote Gordon from Richmond, under date of December 16, 1819, "has left me alone in the House of Delegates, and nothing but your personal indisposition would justify my leaving the county entirely unrepresented. Colonel Randolph was elected with great honor to himself, as he had two competitors who were respectable." And again, December 23, 1819: "The triumph of the friends of Colonel Randolph over the detractions of his

enemies was indeed pleasing." After having served as Governor of the State, Colonel Randolph was again returned to the House of Delegates as Gordon's colleague from Albemarle County. On December 7, 1823, the latter writes to Mrs. Gordon: "I am boarding at the Eagle, where there are nearly sixty members of the Assembly. Mr. and Mrs. Loyall are near neighbors. Colonel Randolph boards only a little distance from me. He has lately returned from New York, and is delighted with the improvements of that great State. I am much pleased that he is in the Legislature. He is gaining friends every day and making the true impression which his science, intelligence and patriotism should always command; and but for that rash humor which his mother gave him might now have stood foremost in the ranks of those who, wanting nearly every quality which he possesses, are aspiring to the highest honors of the Confederacy. I feel proud that he is my friend, and count myself the better for never for one moment having neglected or abandoned him." An historic illustration of this fierce temper, to which Gordon alludes, was Thomas Mann Randolph's attack on his kinsman, John Randolph of Roanoke, in the closing scene of the Ninth Congress, when imagining that the latter had referred to him in objectionable language, he made a most violent and savage speech against John Randolph, that was only prevented by the intervention of friends from resulting in a physical collision.

Hard by Edgehill was "Shadwell," the home of Peter Jefferson, surveyor and map-maker with Joshua Fry, and the birthplace of his illustrious son, Thomas Jefferson; while across the river, and in sight, stood "Monticello," on its eminence overlooking the red-watered river of the Rivanna, itself the dwelling-place of the great political leader and philosopher.

These were the homes of Gordon's neighbors, and

perhaps all of them, his friends. Not far from Monticello, northwestward, is the town of Charlottesville, near which lived James Monroe, fourth President of the United States; and two miles further off was "Blenheim," the seat of Andrew Stevenson, Speaker of the United States House of Representatives during Gordon's membership of that body, and Minister to the Court of St. James under the administration of Jackson. A few miles away is the birthplace and burial-place of Thomas Walker Gilmer, Gordon's contemporary and friend, Governor of Virginia, Member of Congress, and Secretary of the Navy, killed by the accident on the steamer *Princeton,* before he had well passed his fortieth year.

"Within but a little distance," says a recent writer, in a local article describing the distinguished homes near the University of Virginia, "between the home of Monroe and the burial-place of Gilmer still stands the house in which lived Joshua Fry, the colonel of Washington's regiment, above whose burial-place that great man carved upon a tree, that beneath its shelter lay 'the good, the just, the noble Fry.'

"A little further off to the west stands the stately mansion in which was born Edward Coles, Territorial, and afterwards first Governor of Illinois. Go directly south of the birth-place of Edward Coles, and you come to the birth-place, now only a memory of Wilson Cary Nicholas, member of Congress, United States Senator from Virginia, and Governor of Virginia."

Turning eastward again, across the Southwest Mountains from Gordon's house at Edgeworth, was the mansion of James Barbour, Governor of Virginia, United States Senator and Minister to the Court of St. James; while a mile away was the residence of his brother, Philip Pendleton Barbour, member of Congress, Speaker of the House of Representatives and Justice of the Supreme Court, both

of whom were Gordon's warm personal and political friends, and the latter of whom he hoped and endeavored in the Democratic National Convention at Baltimore in 1835, to nominate for Vice-President of the United States.

"Come back now to Monticello," continues the writer above quoted, "and look across the river to your left, and just beyond the bridge which spans its red waters. On the hillside sloping towards the river was born George Rogers Clark, the intrepid soldier, and the great conquerer of the Northwest Territory. Follow the river up towards its source, and up one of its smaller northern tributaries a few miles, and in a cabin of which no trace now remains, was born General Sumter, the hero of the Revolution, member of Congress and Senator from South Carolina.

"A few miles further north, and you come to stately 'Montpelier,' the home and burial-place of James Madison * * * Go up the railroad a few miles towards Washington, and a monument marks the spot where stood the cabin in which Zachary Taylor, hero of the Mexican War, and President of the United States, was born.

"Come back again to Monticello, and stand on the western slope of the little mountain, and look up the meanders of the river. About four miles off you can see a large white house in a grove, the home of Dr. George Gilmer, Revolutionary patriot, where once lived William Wirt, Attorney-General of the United States, jurist, orator and author. But a few steps back of the house sleeps his first wife—his earliest love.

"Look down into Charlottesville. About the centre of the town and near the City Hall, was born Nicholas P. Trist, the distinguished statesman of Kentucky, who together with Mr. Jefferson, drew the celebrated resolutions of '98 and '99. Follow the main street of the little city, by the rotunda of the University, and passing the home of the present

Senator of Virginia, Thomas S. Martin, you come to Ivy, a pleasant little hamlet seven miles away. Half a mile to the north of this village you come to the birth-place of Meriwether Lewis, who with a brother of George Rogers Clark, made his way to 'where rolls the Oregon,' and opened the way of the world to the great States of Washington and Oregon. Of his birth-place and home only a chimney remains."

Here, too, amid the foothills of this Piedmont region, that bear the peculiar physical characteristic of a vivid red soil, lived Dabney Carr, patriot and eloquent orator, who moved the resolutions in the Virginia House of Burgesses in 1773 for the appointment of the Committee of Correspondence. He married Jefferson's sister; and their son, the younger Dabney Carr, was chancellor of the Winchester District of Virginia for thirteen years, and Judge of the Supreme Court of Appeals of the State from 1824 to 1837.

The roster of these Piedmontese would lack completeness if it failed to include the name of Francis Walker Gilmer, of Albemarle, to whom was entrusted by Mr. Jefferson in 1824 the important task of going abroad and inducing the acceptance by distinguished foreign scholars of professorships in the new University of Virginia. The correspondence of Jefferson and Gilmer still exists in manuscript form, bound in a thick volume, which also contains letters of advice and assistance from Dugald Stewart, Benjamin Rush, Lord Brougham, Lord Teignmouth, Dr. Samuel Parr, Lord Forbes, Henry Drury of Harrow, Prof. John Leslie of Edinburgh, George Ticknor, Dupont de Nemours, William Wirt, and many others. Gilmer was a man of unusual qualities of mind, who died before the meridian of achievement, but left upon his time the unmistakable mark of his genius. "Among those who have shown me favor," wrote of him John Randolph of Roanoke,

"I set high value upon the attachment of Frank Gilmer."

In the town of Charlottesville, though of a younger generation than Gordon, lived his son-in-law, William J. Robertson, an eminent judge of the Supreme Court of Appeals of Virginia, who was the recognized leader of the bar of the State in his generation and who, among other notable cases in the United States Supreme Court, was counsel in the famous suit of General Robert E. Lee's children to recover Arlington from the United States Government; while in the nearby Piedmont county of Culpeper resided in the period of his earlier practice William Green, believed by his American contemporaries and by leading members of the English bar to be the most learned lawyer of the Western world; and who, though himself a slave-owner and regarding John Brown as a malefactor and assassin, represented him in his petition for a writ of error to the Supreme Court of Appeals of Virginia in 1861, because he thought that a knowledge of his client's guilt does not warrant a lawyer to refuse his case. To this petition, which was rejected, Green said in a letter to Governor John A. Andrew of Massachusetts, that he gave such ability and effort as he was able, "as if he had believed Brown innocent;" and Mr. Randolph Tucker has emphasized Green's statement by the assertion that the petition contained all the law of treason known to the English-speaking world.

A large majority of these Piedmontese, whose careers have been briefly summarized in this chapter, were Gordon's contemporaries; and very many of them were his personal friends and intimates. They all, whether of an earlier or later time, are illustrative of the character and kind of people who for so long a period chose him as their representative in the legislative halls of the commonwealth and nation.

It was no idle compliment which John Randolph of Roanoke paid to Philip Pendleton Barbour, upon

the occasion of the latter's maiden speech in Congress, when he said, "Sir, I have listened to you; and I see that the Red Hills of Piedmont are still producing great men."

CHAPTER V

IN THE WAR OF 1812

Soon after Gordon moved from Orange County to Charlottesville the difficulties with England growing out of her claim to the right of search, during her war with France, became acute. In 1809 Mr. Jefferson had finished his second term as President, and returned to Monticello, where his personal association with and influence over the young men in Charlottesville and Albemarle were dominating. His neighbor and friend, Mr. Madison, was still in the White House at Washington when war loomed on the horizon. Jefferson himself saw it coming in the spring of 1812, as Governor Barbour had indicated it in his letter to Gordon of January 21st, of that year. "No doubt seems to be entertained here," he wrote from Richmond, "but that war is inevitable." Mr. Jefferson wrote to a friend in England: "Our two countries are to be at war, but not you and I. And why should our two countries be at war, when by peace we can be so much more useful to one another? Surely the world will acquit our government from having sought it. Never before has there been an instance of a nation bearing so much as we have borne."

Both Jefferson and Madison had carried endurance to the limit; but the Republican party to which they belonged was so overwhelmingly in favor of hostilities that the President was compelled to recommend a declaration. In June, 1812, Congress passed an act declaring the existence of a state of war between the United States and Great Britain, and the President issued his proclamation that war had begun. New England opposed the war, and threatened secession; and when the administration,

in accordance with the provisions of the act of Congress, called for militia, the governors of Massachusetts, Connecticut and Rhode Island refused to obey; and the courts of their several States sustained them on the ground that the act was unconstitutional. Disasters to the American arms on land, and victories at sea, were the earliest fruits of the struggle, which until May, 1813, raged at a distance from the territory and shores of Virginia. Early in that month, however, Admiral Cockburn, with a British fleet, entered Chesapeake Bay, and committed various depredations in Maryland. In August of the following year a detachment of four thousand British soldiers under General Ross marched fifty miles across country to Washington, from the fleet, and captured the city. The President and his Cabinet sought safety in flight, while the British soldiers ate the dinner that had been prepared and drank "the ale, cider and wine" that had been "placed in the coolers" for the entertainment of the members of "the Cabinet, military gentlemen and strangers" whom the President had invited to dine with him that day. Admiral Cockburn entered the hall of the House of Representatives at the Capitol, at the head of a band of followers, and seating himself in the Speaker's chair, put them the question: "Shall this harbor of Yankee democracy be burned? All for it will say 'Aye.' " The ayes had it; and the Capitol and other public buildings in Washington were destroyed by incendiary fire.

In the mean time, and before the burning of the Capitol, great excitement had been precipitated in Virginia by the attack on Craney Island, near Norfolk, by the British, and its successful defense by the Americans; and later the capture of the town of Hampton.

James Barbour, the Governor of Virginia, assembled the citizen soldiery in the field. Gordon, with other kindred spirits, volunteered. On the 31st of

July, 1814, he wrote to his wife, then at her father's house, from Charlottesville:

"On my arrival here I was informed that Colonel Yancey, who will command us, was without a clerk, and hearing he would not be here for a day or two, I procured a furlough from my officer, and rode immediately to see the Colonel, who has appointed me clerk to the regiment. I shall be a member of the Colonel's family, along with Dabney Carr, Tucker Coles, and several other genteel persons. The troops will march from this place to-day."

On the 30th of August he announced the arrival of his regiment, under Colonel Charles Yancey, in Richmond; and stated that he had reported to the Governor, "who has taken the field, and pitched his tent in camp"—a characteristic action on the part of the Chief Executive of the Commonwealth, who, in this contest, "is said to have pledged his personal means to sustain the credit of his State, and by his vigilant and able conduct of affairs nobly maintained the honor of Virginia, who acted well her part in this second struggle with Old England."

"We were ordered to report ourselves," continued Gordon in his letter, "to the adjutant-general this morning, which we shall presently do. The immediate apprehension for this place will be lessened by the arrival of a number of volunteer and other troops, who are pouring into the city from every direction. We have heard that the enemy have evacuated Washington, and there is nothing but vague rumor as to any other of their movements. Great exertions are making to put Virginia in an 'armor of defence;' and I cannot suffer myself for a moment to doubt the result and happy consequence of such efforts. Our immediate destination we shall know in a few hours. I am informed from good authority that I shall receive a very pretty appointment on the general staff, which will enable me probably to render more service to the republic, with more

advantage to myself. * * * Tell your father that I believe all the property here, that can be transported to places of safety, has been sent away."

A few days thereafter, he writes from "Camp Warronigh" near West Point, on the York River:

"Colonel Randolph's detachment arrived at this present encampment two days since. The corps are all high in spirits, and anxious to encounter the enemy. He has under his command the finest of the youth of Virginia. Our wary enemy I hear will not give us an opportunity of obliterating the disgrace at Washington. He will probably wait until the ardor of the moment shall have passed away before any attempt is made on Virginia. Our Colonel has all his chivalry about him. Major David Watson of Louisa is with us. I am in a very genteel mess, and am as contented as I can be away from my family.

"There is a novelty in a camp life which is not unpleasant to me, though every moment of reflection teaches me the value of the happiness I have left behind me. But when I see thousands of others who have made even greater sacrifices than myself, I feel that I should be degraded in any other character than that of a soldier for the term. I have declined several little appointments which would have lightened the burdens of my condition; but I have refused to leave the ranks of my country, where I can share the difficulties of the time. Our friend, James Ragland, will be appointed adjutant to the cavalry under Colonel Randolph; and he insists on my aiding him, which I shall consent to do.

"There has been considerable difficulty in procuring provisions, &c., for the numerous troops and companies that are and will be in service. There are many of my friends and acquaintances in camp. Francis Gilmer is with us, acting as secretary to Major Watson. I have determined to ask for no

appointment whatever. If my merits do not point me out, I shall continue a private."

Early in September he wrote from Richmond that he and his wife's kinsman, William Lindsay, had joined Captain Carr's troop of cavalry, "which with the Richmond Blues, and several other of the finest companies here, will form an elite corps under the immediate command of Colonel Randolph. * * * There are a great quantity of troops from all parts of the country, the choice spirits of Virginia, flocking to her standard. I have until this morning been at Headquarters, writing constantly. I was much solicited to remain in the department of the adjutant-general, but I preferred the situation of a private with Colonel Randolph.

"I have not seen Mr. Rutherford's family, or himself. Your father has no doubt heard of the disgraceful capitulation of Alexandria. Thank God, it is not a part of Virginia! Mr. Rutherford has moved all his tobacco up to his own lot. The troops are in the finest spirits you can imagine. The spirit of the people will erase the disgrace of the Government. We want talents everywhere, patriotism is general. Our patriotic Governor is using all his exertions to sustain the high character of Virginia.

"I have just got a sword; and really I have reminded myself of the humorous story in the 'Spectator' of the gentleman who could scarcely keep his sword from between his legs. I shall be shortly a more accomplished soldier."

Again, from Camp Warronigh, he wrote, on September 14, 1814:

"I fear we shall have no opportunity of meeting the enemy on our shores. This whole corps would meet them with a firmness and enthusiasm inspired by the occasion, and by the devotion of every man in it to our heroic commander. It is really enviable to see to what a degree of affection and attachment he has already bound all to him.

"The only articles I purchased in Richmond were a flannel coat and a pair of nankeen pantaloons. If my Virginia cloth is ready, you would have an opportunity in fifteen days from the present date of sending me down any articles you may make by Mr. Arthur Clayton of Louisa, who has a furlough, and will return in that time. I am, however, not in want of clothes, and do not affect any of the parade of a soldier. If I had time and seclusion, I could interest you somewhat with a description of this country; but the frequent interruptions of business forbid. We have heard that some of the enemy's ships have left the Bay, destination unknown."

William Wirt was one of the officers at Camp Warronigh, and commanded an artillery company. In a letter written by him in September, 1814, he says, "Frank Gilmer, Jefferson Randolph, the Carrs and others, have got tired waiting for the British, and gone home."

No other of Gordon's letters home during this period have been preserved, until that of December 23, 1814, written from Camp Carter, on the Chickahominy River, where the Virginia army, theretofore commanded by Governor Barbour, in person, had now gone into winter quarters. The State troops while at Camp Carter, and at Camp Holly on the Chickahominy, were commanded by General John Hartwell Cocke, who was later a conspicuous figure in the history of Virginia as a member of the first Board of Visitors of the University of Virginia, and as Vice-President of the American Colonization Society, formed for the purpose of settling the slavery question by the colonization of the negroes of the South in Africa.

"The day after I wrote to you," Gordon wrote, under the foregoing date, to Mrs. Gordon, at Springfield, "I was requested by General Cocke, through

his aide, Mr. Rives, to act as his Secretary, to which I consented, as it would render my situation more comfortable and pleasing. I have been at camp several days waiting for the General, who is in the neighborhood of Williamsburg. He is expected here to-day.

"You will be quite at a loss to conceive how an encampment, which a few weeks since was in wood, furnishes accommodation for upwards of two thousand men, as warm as your mother's chamber, the streets of which are as smooth and dry as the best turnpike road. The cabins are all neat and warm. In the absence of General Cocke, I have slept in the quarters of Lieutenant Nicholas.

"I find General Cocke universally respected and looked up to by the officers under his command—a striking instance of the triumph of talents and perseverance in a cause of duty over the momentary prejudices and disgusts of others.

"If Gilmer has returned, present my warm regards to him, and tell him to write to me, or come down to see me, if he can spare time."

In the interval between the last letter, and that which follows, the battle of New Orleans had been fought. On the 8th of January, 1815, General Andrew Jackson, with seven thousand men, for the most part raw militia brought hastily together, had met and repulsed the attack of eight thousand experienced and highly trained veterans, many of whom had seen service in the European wars. The American loss had been only seventy-one men. The British loss was two thousand, including their courageous leader, General Pakenham. It was a glorious triumph for the citizen soldiery, and afforded an ample vindication of the views of the republicans of Mr. Jefferson's school, who were opposed to a large standing army, and believed that citizen troops properly organized by the States constituted a sufficient defense in time of war.

On February 2, 1815, Gordon wrote from Richmond, whither he had accompanied General Cocke:

"The intelligence that General Jackson had successfully resisted the enemy at New Orleans has given great joy, which has been somewhat damped by our loss of the *President* frigate, commanded by the gallant Decatur. We are ignorant of the particulars, but we know that she had to contend with several vessels larger than she was, after having been crippled in a previous action, so there is no honor gone. We have heard nothing from our Commissioners and of the state of Europe.

"But I am writing to you a letter of politics. General Cocke is so much pleased with my 'home-spun' that he presents you with his compliments, and begs you will accept as much merino wool as will make a suit of clothes. I have just heard that the President has returned the Bank-bill to the Senate with objections. We have just learned that General Jackson has killed and taken fifteen hundred of the enemy, among whom are three of their generals. This is glorious!"

The battle of New Orleans had been fought and won by the Americans after the official end of the war. The Treaty of Ghent had been concluded, and signed on Christmas day of 1814, by the Commissioners of the United States, Albert Gallatin, Henry Clay and John Quincy Adams on the one side, and those of Great Britain on the other; but as at that time it took six weeks or more for a sailing vessel to cross the Atlantic, news of the peace did not reach America until about the middle of February.

In the mean time, Gordon wrote to his wife from Camp Carter on the 10th day of February, 1815:

"I hope you will not be unhappy at any of the rumors of this epidemic which prevails in the coun-

try. I have no apprehension from it myself; and indeed the cases which have occurred in this vicinity are now of a moderate character and perfectly manageable by physicians; add to which that few or no persons are subject to it except those who have been exposed to violent cold weather, and those who are not clothed warmly. The physicans say there is nothing contagious in it.

"In a few days I shall set out with General Cocke for Williamsburg, and shall visit York, where I expect to have many emotions awakened calculated to make me more patriotic. If there is a post day, I will write you from that place. From my retrospect of an era in our revolutionary fortunes my mind moves with rapidity towards the theatre of the glory of General Jackson. The papers will tell you how he has fought and how he has conquered; and you will say with me that we are not a degenerate people, when we see the conquerors of the Old World, of disciplined valor and renown in arms, bowing before the impetuous ardor of a free and unconquerable militia. Old England will stand amazed, and the European world will discredit the great defence which our troops have made."

There were well-informed people in Great Britain, however, in the time of this episode, as in that of the Revolution, who had deprecated the war, and to whom the news of the victory won by the civilian soldiers of Jackson over Pakenham's trained regulars did not come as a total surprise. The *London Statesman* of March 30, 1813, had said:

"America must be excepted from the expression 'All our enemies.' She is of us, and of us improved. We are neither ashamed nor afraid to say so. We knew it before, and knowing so much, we have uniformly deprecated going to war with her. The Americans will be the most terrible warriors we have

had to contend with. We have, like fools, despised them as a power in arms."

On the 18th of February, 1815, peace was proclaimed by the President of the United States, and was received throughout Virginia with manifestations of joy. Through the country sections and the towns alike the people exhibited their delight by burning bonfires and illuminating their houses. They were glad to be rid of what they regarded as in no small measure the cause of the "hard times" that existed; for the National Government had become almost bankrupt, and outside of New England nearly every bank had suspended specie payments, and the circulating medium had become "script" issued by towns, notes of "wildcat" banks, and the "paper" of private individuals.

Gordon's last letter to his wife from camp was written on the day after the President's proclamation of peace.

"I write by our friend, George Lindsay, from a fear that I shall not be able to get off before he reaches the neighborhood, being obliged to remain with General Cocke a few days whilst his brigade is discharging. You will probably expect, in consequence of the peace to which our country is restored, that I should be earlier at home than I can be consistently with my duty and station. It gives me great joy to congratulate you on the return of peace to our happy country."

What Gordon called "a free and unconquerable militia" was the reliance for defense in time of war of the republicans of the strict-construction school. As the French King denominated his cannon, on which he had caused the legend to be inscribed *"Ultima ratio regum,"* so the Jeffersonian democracy of the period regarded standing armies and military equipment, under the organization and con-

trol of the central government, as the final resort of despotism.

In the time of the Revolution the raw militia recruited from the Northern States had not been a success, whether from natural inaptitude to the use of arms, or from lack of military skill; and this in spite of the fact that they were "embattled farmers" who at Lexington, Massachusetts, "fired the shot heard 'round the world." It was only in the South that soldiers, like Morgan's riflemen, who could put a rifle bullet through a wild turkey's head at a distance of a hundred yards, or Lee's legionaries, who as the sons of planters had grown up on horseback, with guns in their hands, and were soldiers by instinct and custom, redeemed the faults of the Northern militia. The citizen soldiery have been sneered at by Federalist writers from the foundation of the Government; but throughout the story of the country the militia of the South have shown themselves adequate to its defense, from Saratoga, where Morgan's men won the battle, down through the Cowpens, the pivotal and "most astonishing battle of the Revolution," to New Orleans, through Chapultepec and Cherubusco and Monterey to the first Manassas in 1861, and the earlier battles of the Confederacy.

Virginia, from the Revolutionary period, had maintained an elaborate system of local militia—a system in which many of her most distinguished citizens took a practical and abiding interest; and under which a host of the very flower of her youth esteemed it an honor to serve as privates in the ranks. This elaborate scheme of "a well-regulated militia," as it is named in the act of Assembly, was early recognized by statute as constituting "the great defence of a free people;" and if the "Virginia colonel" has been a perennial and lasting product of the soil of the Commonwealth, he has been always a legitimate one, who in periods of necessity has not failed

to justify his existence to his country. Presidents, Governors, Supreme Court Judges, Congressmen, leading lawyers and professional men, have, at various periods in the history of the State, deemed it honorable to serve and hold office in the State military organization. A roll of the Virginians who, since Yorktown, through the period ending with the secession of the Commonwealth in 1861, have been members of the militia, would contain the names of a very large proportion of those whose histories have adorned the civic life of the State and of the nation.

The counties of the State, under this military system, were divided by law into twenty brigades and four divisions. A brigadier-general was elected by joint ballot of the two houses of the General Assembly, for each brigade, who was required to reside within the limits of his command. There was a similar method of election of a major-general for each of the four divisions, and these general officers and their subordinate commissioned officers received commissions at the hands of the Governor, who was commander-in-chief by virtue of his office. The rank and file were organized into companies, regiments, brigades and divisions, and were drilled at stated intervals, and received instruction in military tactics. But, doubtless, after all, the best results of the militia system of the period came from the existence of an organization, which became more or less effective when necessity arose. The drill and military instruction probably accomplished little more than to bring the citizen soldiers together on occasion. The value and efficiency of the Virginia militia of the first half of the nineteenth century consisted in their natural aptitude for military service, growing out of their familiarity with fire-arms, their habitude of an outdoor life, and that "free and unconquerable spirit" which animated the people of the Commonwealth.

So it was that Gordon regarded it as no small

honor, after seeing service as a private in the field in the War of 1812, to occupy at a later date the office, and to discharge the duties, of both brigadier-general and major-general, during the continuance of his public career—to which military positions he was successively elected by the General Assembly of the State.

CHAPTER VI

IN THE GENERAL ASSEMBLY—THE UNIVERSITY OF VIRGINIA

Gordon returned home at the close of the War of 1812 with Great Britain, and resumed the practice of his profession, maintaining in the meanwhile an active interest in the political occurrences of the period.

The Hartford Convention illustrated the continued opposition of New England to the war. Massachusetts, Rhode Island and Connecticut sent delegates to this convention, which assembled at Hartford, Connecticut, on December 15, 1814, in response to an invitation of the first named State, and continued in session until January 5, 1815. There were also delegates in attendance from some of the communities of Vermont and New Hampshire. The sessions were secret; but the published report of the convention illustrates the first overt act of nullification by an assemblage of States in the history of the Union. It justified secession as permissible, but not to be resorted to save as an absolute necessity, and affirmed the doctrines of the Virginia and Kentucky resolutions. It adjourned to meet in June, if its demands on Congress were not complied with, or peace declared in the meantime. The president's proclamation of February the 18th dealt it its death-blow; and it did not reassemble.

War with Algiers followed in 1815, in which Decatur added to the fame which he had achieved in that of 1812. In 1816 Congress established a new national bank, with a charter to continue twenty years, the expiration of which gave rise to one of the most tremendous political struggles in the history of the country. Out of this struggle emerged the

great financial measure of the Independent Treasury, with which Gordon's distinction as a statesman is most closely associated. In that year Colonel James Monroe was elected President of the United States. In 1816 a panic lasting for two years inaugurated the first serious antagonism to the Bank of the United States; and in that year also General Andrew Jackson conducted to a successful termination the first Seminole War in Florida.

In the last named year Gordon was elected, with Samuel Carr, to represent Albemarle County in the Virginia House of Delegates. Mr. Joseph C. Cabell had been since 1811 the State Senator from the district of which Albemarle formed a part; and, in the session of the General Assembly preceding Gordon's election, had been warmly enlisted and actively engaged in forwarding Mr. Jefferson's cherished scheme for the establishment of a State University. Cabell was an earnest advocate of education; and has been especially and deservedly distinguished as Mr. Jefferson's earliest and most prominent coadjutor in the great work of founding the University of Virginia at Charlottesville. The memorials of his relation to that noble undertaking and achievement are preserved in a volume published after his death, under the title, "Early History of the University of Virginia, as contained in the letters of Thomas Jefferson and Joseph C. Cabell." This volume contains a voluminous correspondence between these two warm personal and political friends, dealing with a vast number of interesting subjects, chief among which are those of education in Virginia, and the establishment of the University. During the years 1817 and 1818 the principal and absorbing theme of this correspondence is "The Central College," and the University bill in the General Assembly.

When Gordon entered the lower house in the latter year, Mr. Jefferson felt that with Cabell in the

Senate embodying a wide public acquaintance, a thorough familiarity with the subject, and a large experience in legislation, and with Gordon in the House of Delegates, active, energetic, magnetic and full of enthusiasm, he had two able local representatives of his enterprise; and the event justified the anticipation, though only after a long and often almost desperate struggle.

Mr. Cabell resided at Union Hill, in Nelson County, at some distance from Monticello. Gordon, on the other hand, lived in the same county with the sage of Monticello, and in the same neighborhood, as the neighborhoods of that day were reckoned; and saw him constantly in his visits to Charlottesville, and to Mr. Jefferson's home. There was little need, therefore, of personal correspondence between them, during the vacations of the legislature; and during its sessions the venerable ex-President, to whom writing had become a physical burden, of which he often complained, continued his correspondence upon University matters with Mr. Cabell, as was most natural, with the assurance that his views and wishes would be communicated by him to Gordon and to the other zealous friends of the measure. Thus there was little written correspondence between the two men; but the value of Gordon's services in effecting the final establishment of the University, and in subsequent legislation touching its continued existence, is attested by the frequency of mention made of him and his work in the Jefferson-Cabell letters, no less than by the record of his work in the House of Delegates.

The distinction which he had already achieved as a lawyer won for him a position on the Committee on Courts of Justice immediately upon his becoming a member of the House of Delegates; and he also received appointment on the important Committee of Finance, and, what he coveted still more, because of the opportunity it gave him of accomplishing ef-

fective work for the University bill, a position on the Committee of Schools and Colleges.

The naked skeleton of a University bill had passed both houses of the General Assembly in the preceding February. This had been accomplished by the grafting upon the school bill of a provision for a University. The title of the act was, "An act appropriating part of the Revenue of the Literary Fund, and for other purposes;" and the date of its passage was February 21, 1818. Gordon's friend, James Barbour, when speaker of the House of Delegates in 1810, had drawn a bill, which was enacted into a law in February of that year, providing that all escheats, confiscations, fines, penalties and forfeitures, and all rights in personal property found derelict, should be appropriated to the encouragement of learning; and the Auditor of the State was required to open an account with this fund, which was designated as "The Literary Fund." It was managed by a president and directors, who by act of February 24, 1815, were directed to elaborate a scheme of public instruction. They made a report on the 6th of December, 1816, recommending the establishment of three grades of educational institutions, to wit: primary schools, academies, and a University; and the act of February 21, 1818, was based upon this report.

The last named act provided generally for the establishment of "a University to be called the University of Virginia, wherein all the branches of useful science shall be taught," and specifically for the appointment of a Board of Commissioners, who should report to the legislature, site, plan, branches of learning, number and description of professorships, and general provisions for organization and government. The bill also provided for the appropriation of the sum of fifteen thousand dollars per annum out of the revenue of the Literary Fund "for the purpose of

defraying the expenses of procuring the land and erecting the buildings, and for the permanent endowment of the said University"—a sum grossly inadequate to make even a beginning of the great work that Mr. Jefferson had so much in mind.

It was a case of *stat nominis umbra.* Unless additional apppropriations could be had the warmest friends of a University recognized that the scheme was but the shadow of a name; and when the selection of a site came to be considered by those who hoped to obtain such increased appropriations, the troubles of the project began. The rival claims of Charlottesville, Staunton, Lexington and Williamsburg were insistent; and in each case were supported by powerful local influences, which threatened to create dissensions and difficulties that would prove to be insurmountable. The commissioners, consisting of a number of the ablest and most prominent men in the State, met on August 1, 1818, at the Rockfish Gap Tavern, in the Blue Ridge Mountains. Mr. Jefferson, a member of the body, was elected chairman; and, after a protracted discussion, the site at Charlottesville, where the Central College was located, of which he and Mr. Cabell were both visitors, was chosen by a vote of fourteen therefor, as against five for other places. An elaborate report, setting forth in detail a scheme for the University, was prepared and forwarded to the two Houses of the General Assembly.

Under date of December 12, 1818, Gordon wrote from Richmond to his wife:

"The report of Mr. Jefferson and the commissioners was received with universal admiration; but the friends of the University fear that there will be some opposition to its being situated at the Central College, which I trust may not succeed, and I believe will not. I send your father a copy of the report with my most affectionate regards."

In the House of Delegates the report of the commissioners was referred to a select committee, of which Gordon was a member. Then the fight began. Mr. Cabell wrote to Mr. Jefferson: "The prospect is favorable; but the effect of intrigue and management is beyond the reach of calculation." Cabell's health was bad, and his friends were eager to have him go to Williamsburg, and remain there until its recovery. But with Spartan fortitude he declined to leave his post in the Senate while the University matter was in jeopardy.

"At Bremo my fevers returned," he wrote to Mr. Jefferson on December 8, the day of the appointment of the select committee, "but since I left that place my recovery has been advancing uninterruptedly. I shall proceed to Williamsburg and stay a week or two, so soon as the subject of the University shall be put on a footing satisfactory to my mind."

Gordon on the select committee was bending every energy to accomplish the adoption by it of the report; but the opposition in the House of Delegates was, from the beginning, able, alert and resourceful. The day after Christmas, 1818, he wrote to Mrs. Gordon: "I had at one time indulged a vain hope that I could have gone home about this time; but the importance of our University bill is so great to Virginia, and particularly to Albemarle, that I feared to leave it,—especially as there is a very considerable resistance to the whole plan of education in Virginia; and I believe an attempt will be made to destroy the Fund by appropriating it to other purposes."

On the 8th of January following, with the subject of the University still haunting his thought, even in moments of domestic correspondence, he wrote to his wife: "I hope to return to you with a civic wreath, if I can accomplish the great interest in which our county and country are concerned."

At the third meeting of the committee the opponents of Charlottesville as the site of the Univer-

sity lost by only one vote, and that the casting vote of the chairman, a motion to leave blank the location —a movement, which had it been successful would have easily resulted in an effective combination of a majority against that feature of the report, and a complete frustration of Mr. Jefferson's most cherished hopes. But the majority of one for Charlottesville was sufficient; and immediately thereupon the report was adopted, and the site of the institution thus fixed as its originator had planned.

The opposition in the legislature, however, and especially in the House of Delegates, grew in intensity. The Tidewater country and the western section of the State were equally hostile. Cabell, in spite of his delicate condition of health, continued at his post in the Senate; and in the House Gordon used all the persuasive arts of conciliation and of personal appeal, which he subsequently demonstrated were among his distinguishing political characteristics. The bill reported by the select committee was debated in committee of the whole in the House of Delegates on January 18, 1819, and the vote was taken on a motion to amend by striking out "the Central College in Albemarle," as "a convenient and proper part of the State for the University of Virginia," resulting in a decisive victory for the friends of the institution by a vote of one hundred and fourteen to sixty-nine. That night Gordon wrote to Mrs. Gordon: "We have been engaged for upwards of a week incessantly in discussing the University bill, and I think there is now no doubt that it will be located at the Central College, as a vote was taken in our house on yesterday decisive, I think, of the final enactment of the bill."

The battle had been fought out to a finish and won upon the field of its fiercest conflict, in the House of Delegates; and with the successful determination of the fight in that body its passage through the Senate seemed comparatively easy. The shadow had begun

to take a local habitation no less than a name; and "An act for the establishment of an University" was reported to the House from the Committee of the Whole, and passed there on January 19, 1819, by a vote of one hundred and forty-three to twenty-eight. It then went to the Senate, where Mr. Cabell's long and able service and compelling influence had at last disarmed substantial opposition, and passed that body on January 25, 1819, by a vote of sixteen to seven, and was signed by Governor James B. Preston, thus becoming a law.

For its passage in the House of Delegates, where the most determined and protracted opposition to the measure was manifested, his colleagues gave no small part of the credit to the zeal, the energy, the tact and the eloquence of Gordon, of whom Mr. Jefferson, in a similar connection at a later day, wrote to Mr. Cabell, as being "the local representative of the University, and among its most zealous friends."

But the troubles of the infant institution had not ended with its legislative establishment and location. The winter of 1819-1820 was pregnant with significance to its future existence. The question of financing the new educational enterprise was one of great moment and of even greater delicacy. The defeated opposition had not been conquered; and the friends of the University in the legislature were forced to feel their way continuously, step by step. Cabell wrote to Mr. Jefferson under date of February 24th, 1820: "The enclosed bill has this day passed into a law. The House of Delegates having first rejected the amendment of the Senate for $80,000; and then that for $40,000, and having postponed the whole bill on the 22nd, General Breckinridge, Mr. Johnson and myself had a consultation, and agreed that the interests of the institution would be promoted by the bill now enclosed. Our friend, Mr. Gordon, had already moved for leave to bring in a bill, and was in the midst of an

animated discussion, when Mr. Johnson and myself got to the House. We prevailed on him to withdraw his motion, to make way for the introduction of the subject by General Breckinridge, who, we supposed, not being from the local district, would have more influence with the House. The bill went through this morning with but little opposition. We hope we have taken the course which yourself and the other visitors will approve, considering the circumstances in which we were placed. The University is popular in the Senate, and unpopular in the House of Delegates."

It had been popular in the Senate and unpopular in the House from the beginning; and it was always in the latter body that the most persistent, steady and strenuous effort in its behalf was constantly required. Whether through its introduction by General Breckinridge, or through the activity and animated arguments of Gordon, the subject took shape on the 23d day of February in the order by the House that a committee, of which both Breckinridge and Gordon were members, "do prepare and bring in a bill authorizing the Visitors of the University of Virginia to borrow money for furnishing the buildings thereof." The bill, which was the one enclosed by Cabell to Jefferson, was "brought in," and went through, as stated by the former, "with but little opposition."

The success of the measure in its apparently comparatively easy passage through the hostile House was not, however, a precursor of ever-continued smooth sailing. Difficulties and antagonisms had grown up between the friends of the State elementary schools and those of the University in the Legislature; and Mr. Jefferson wrote to Mr. Cabell under date of November 28, 1820, suggesting means of a reconciliation of the two antagonistic elements:

"A wrist stiffened by an ancient accident, now more so by the effect of age, renders writing a slow and irksome operation with me. I cannot therefore present these views by separate letters to each of our colleagues in the Legislature, but must pray you to communicate them to Mr. Johnson and General Breckinridge, and request them to consider them as equally meant for them. Mr. Gordon being the local representative of the University, and among its most zealous friends, would be a more useful second to General Breckinridge in the House of Delegates by a free communication of what concerns the University, with which he (Breckinridge) has had little opportunity of becoming acquainted."

When the Christmas holidays of this year approached, Gordon wrote to his wife from his place in the legislature, that it made him melancholy to see members going home, while he had to stay; but added that "the University subject remains to be disposed of," and that he could not leave it.

Mr. Cabell's reliance upon Gordon's influence in the House appears in repeated comments in his letters to Mr. Jefferson. "In the House of Delegates," he writes under date of February 25, 1821, "Mr. Gordon has shown himself an able, valuable and efficient friend * * * I hope Mr. Gordon will return. The cordiality and generosity of his nature make him the favorite of a large circle of friends."

Gordon was again a candidate and again returned. On September 23, 1822, we find Mr. Cabell suggesting to Jefferson a plan of operations for the legislative session. The smouldering fires of opposition were still burning; and it behooved the friends of the University to keep constant watch and ward.

"Mr. Gordon and Mr. Rives left this for Albemarle on yesterday," he wrote, "and will not probably return for eight or ten days. The latter went for his family, and the former to visit Mrs.

Gordon in her distress for the loss of a child. I am very sorry that they were obliged to leave town, as we want the aid of all our friends at this time. Mr. Gordon shewed me on Saturday a letter which he had just received from Mr. Dinsmore, stating that the undertakers had ascertained that they would not afford to build the library for less than $70,000. At my instance Mr. Gordon threw the letter in the fire. My object was to prevent its being made an improper use of, in the event of its being seen by our enemies. I have spoken with one or two friends confidentially on the subject, and we all agree that if the price of the undertakers should rise above $50,000, and more especially if it should reach $70,000, it would be better to abandon the project of a conditional contract on their parts, and leave us at large."

"Dinsmore's $70,000," replied Mr. Jefferson on December 28, "evidence only the greediness of an undertaker"; and he went on to give estimates of sections of the work which he had obtained, and further to develop his plans about the building. "A letter of a page or two," he continued, "costs me a day of labor. I have few now to live; should I consign them all to pain? I ought, if I could, to write to yourself, to Mr. Johnson, Mr. Rives, Mr. Gordon, and to Mr. Loyall, too, now one of our fraternity. But what I say to one, you must all be so indulgent as to consider meant for the whole."

"I am happy to inform you," Cabell wrote back on December 30, "that Mr. Gordon and Mr. Rives arrived in town last evening, and have attended the House to-day. Mr. Gordon called on me this morning, when I disclosed to him what I had done in his absence, and my present views and prospects. Mr. * * * has twice announced to Mr. Cary, on being consulted by him, that he would oppose any further building; yet Mr. Gordon thinks he may be brought over."

Under date of January 2, following, Gordon

wrote to his wife: "The report of the Visitors of the University has been with us for some time; but, owing to the absence of Governor Pleasants with his family, has not yet been presented to the legislature. We hope to do something for it."

Again the antagonism of the primary schools was cropping out. "Your favor of 13th instant," wrote Cabell to Mr. Jefferson on January 23, 1823, "came safely to hand by the mail. I have shown it to Mr. Gordon and Mr. Rives * * * In regard to the academies and primary schools, I think our most prudent course at this time, is neither to enter into an alliance with them, nor to make war upon them * * * I have imparted these views to Mr. Rives, and left him to pursue his own course. Mr. Gordon concurs with me."

The Loan bill, authorizing the borrowing of money for the buildings of the University, went through the House of Delegates on February 3, 1823. The House journal of that date states: "An engrossed bill 'concerning the University of Virginia,' was read the third time; and the question being put upon the passage thereof, was determined in the affirmative. Ayes, 121; Noes, 66. Resolved: That the bill do pass and (the title being amended on Mr. Gordon's motion) that the title be 'An act concerning the University of Virginia, and for other purposes.' Ordered: That Mr. Gordon communicate the said bill to the Senate, and request their concurrence."

The shadow of a name had at last grown into the substance of a fact. The recalcitrant House having been finally brought around, the Senate, with ready acquiescence, concurred, on February 5, by a vote of nineteen to three; and on the same date Mr. Cabell wrote a jubilant letter to Mr. Jefferson, extending his congratulations, and adding in a postscript, "Mr. Gordon distinguished himself in the discussion in the House of Delegates."

Six days later, with ready generosity in accepting his share of responsibility for the failure in the House of Delegates of a bill to pay the debts of the University, Mr. Cabell wrote his next letter to Jefferson. The House journal of February 10, 1823, recites that "a motion was made by Mr. Gordon that this House do come to the following resolution: Resolved, That the Committee of Finance be instructed to inquire into the best means of providing for the payment of the debts of the University of Virginia; and make report thereof by bill or otherwise. And the question being put thereupon, was determined in the negative."

Cabell wrote to Jefferson on the day following:

"Yesterday Mr. Gordon moved in the House of Delegates the adoption of a resolution authorizing the Committee of Finance to inquire and report to the House the best means of paying the debts of the University. It was rejected by an overwhelming majority. To-day a similar resolution was moved by Mr. Loyall, and supported by Mr. Baldwin. The vote was seventy odd to ninety odd. The subject is at rest for this session. Some of the friends of the University were opposed to bringing forward the motion at this session. However, Mr. Johnson, Mr. Loyall, Mr. Baldwin, Mr. Taylor (of Botetourt), Mr. Bowyer, Mr. Gordon, Mr. Watkins (of Goochland), General Tucker, &c. &c., being of opinion that the character of the present Legislature having shown itself to be very favorable, we should not lose the opportunity it might afford for getting the debt remitted; and the measure being right in itself, and important to the State, I entirely concurred in the movement of the question, and wish to share with my friend Gordon in the responsibility arising out of the proceeding. I know our indulgent friends would forgive us, if we had done wrong. But the failure of the proposition does not demonstrate that we were

wrong. We have broken the ice, and prepared the public mind for a future application. Besides, if such men as I have named above, agreed with us, the movement must have been justified by appearances. We could not dive into the hearts of members."

In the session of 1823-24, Gordon was again a member of the House from Albemarle, and his colleague was once more Jefferson's son-in-law, Colonel Thomas Mann Randolph, who having served as a member of the Senate in 1793-94, and as a representative in Congress from 1803 to 1807, had exhibited an ardent and conspicuous patriotism in the War of 1812, and in 1819 had been elected Governor of Virginia while a member of the House of Delegates. Cabell was still in the Senate from the district, with his thoughts fixed on the University, and continuing his correspondence, which detailed on his part its legislative progress, with its great originator. Money was yet the desideratum; and the University's future was dependent upon the attitude of the General Assembly towards it in the matter of financial assistance. In his letter of January 29, 1824, Cabell emphasized the value of that part of the organic law of the University which provided that "the University shall be at all times and in all things subject to the control of the General Assembly."

"I have now the gratification to enclose to you by our friend Mr. Garrett," he wrote to Jefferson, "a copy of the University Act of the present session. It passed the Senate unanimously. Attempts were made to amend it; but we were determined to pass the bill as it came to us, because our friends in the other house warned us of the imminent danger of its return. I was ill in bed when the proviso to which you so much object was added to the bill. It was deemed perfectly harmless by our friends, and useful as furnishing an excuse to join us. We are all concerned to find you so much opposed to it, and still

hope you will be reconciled. After it was proposed, it would have been difficult to resist it; and when engrafted on the bill, an attempt to strike it from the bill would have endangered our success. We had always plumed ourselves on our democratic character. We had fought the college party with that clause in our charter which says 'the University shall be at all times and in all things subject to the control of the General Assembly.' We were seizing on all occasions to engraft a similar provision on new charters. If on this we had shown a distrust incompatible with former professions, our good faith would have been impeached, and we should have alienated our most powerful friend, the General Assembly of the State. The annuity cannot be withdrawn but by a concurrent vote of the two houses, and I think the time will never come when such a vote will be obtained. Such is the opinion of all the four Visitors in town. We shall want further aid in future, and it would be unfortunate to lose any portion of the favor we now possess. Col. Randolph concurs in these views. So does Mr. Gordon."

Again Gordon was returned to the House for the session of 1824-25, where we find him still standing sentinel, with Mr. Cabell in the Senate, over the interests of the University. On February 18, 1825, he wrote to Mrs. Gordon: "My anxiety to be with my family increases as the time draws near when I am to meet them. I think we cannot sit longer than another week. Indeed, except one, we have no important question before us. The University appropriation you will have seen from the papers was carried by a great vote. I had some hope that we could have gotten the debt relinquished that they owe to the Literary Fund; but that will come, of course."

On March 7, 1825, Mr. Jefferson's cherished dream was realized. The University opened with sixty students, who by the following first of October had grown in numbers to one hundred and sixteen.

Gordon was again returned to the House of Delegates from Albemarle; where he remained in continuous service till 1829, in which year he was again elected to the House, and also to the House of Representatives of the United States Congress, and to the Constitutional Convention of 1829-30. He declined further service in the House of Delegates, and after serving in the convention throughout its sessions, took his seat in Congress. Mr. Cabell's long and uninterrupted service in the Senate of Virginia terminated in the same year as that of Gordon in the House of Delegates. He retired to private life, continuing, however, his association with the University as one of its Visitors from 1819 to 1856, the date of his death, during which period he was the Rector in 1834-1836, and again from 1845 to 1856.

The time between Gordon's entrance upon his legislative career in the General Assembly in 1818 and its termination in 1829 had been the crucial period with the University of Virginia. During that period his colleagues from Albemarle had been numerous. They had come and gone, rendering what assistance they could during their stay—assistance which was very often valuable; yet lacking in the steady continuity which characterized his eleven years of devotion, and Cabell's even larger number, to Mr. Jefferson's noble scheme. Early in that service Gordon had come to be one of the most influential members of the House of Delegates. His prominence is illustrated in his long and conspicuous occupancy of the chairmanship of the Committee on Courts of Justice; and his membership of the two important committees of Finance and of Schools and Colleges gave opportunity of rendering his labor in behalf of the University effective.

In July, 1826, Mr. Jefferson was dead; but his coadjutors in the legislature continued to cherish the welfare of his great educational institution, now firmly established, as they cherished the memories of

their personal associations with him, and their adherence to his political principles. In his last letter to Mr. Cabell, the venerable statesman, harassed and burdened by debt, and troubled with many cares, still evinced his abiding interest in the institution. On April 21, 1826, he wrote from Monticello: "We have now one hundred and sixty-six students; and on the opening of the law-school, we expect to have our dormitories filled. Order and industry nearly complete, and sensibly improving every day."

On January 8, 1827, the journal of the House of Delegates testifies to Gordon's continued association with the University as "its local representative and one of its most zealous friends," as Mr. Jefferson had denominated him years before: "On motion of Mr. Gordon, Resolved, That the Report of the Rector and Visitors of the University of Virginia be referred to the Committee of Schools and Colleges, with leave to report by bill or otherwise"; and on January 27 the journal contains this entry:

"On motion of Mr. Gordon, ordered that two hundred and fifty copies of the Governor's communication, together with the accompanying documents, relating to the University of Virginia, be printed for the use of members of the General Assembly."

Again, in 1827, we find him seeking to induce a hostile House of Delegates to consent to pay the debts of the University. An entry in the House journal on the 23d of February of that year is: "A motion was made by Mr. Gordon that the House adopt the following resolution: Resolved, That leave be given to bring in a bill 'to pay the debts and finish the buildings of the University,' which was defeated by a vote of sixty-six ayes to one hundred and eighteen noes."

When, in 1829, he retired from the General Assembly to enter upon the larger field of national

politics, it was with the consciousness that he had rendered no insignificant service in aiding to fashion into a reality the splendid dream which had inspired the declining years of Jefferson.

CHAPTER VII

IN THE GENERAL ASSEMBLY—SOME OF ITS MEMBERS —THE OFFICE OF GOVERNOR

During Gordon's membership in the House of Delegates the General Assembly of Virginia was rich in men of a high order of ability, many of whom subsequently achieved great distinction for statesmanship or judicial acquirements. His successive colleagues in the House from Albemarle County contained in their number several figures of conspicuous talents; and in more than one instance they rose to lofty public eminence. Any account of the times in Virginia would be inadequate which failed to contain some mention of those citizens who illustrated the character, the capacity and the qualifications of the legislator of the period, in the legislative halls of the Commonwealth. It was very often from the ranks of the General Assembly that the Governors of the State and its United States Senators were chosen; and these in turn, after having filled their high offices, esteemed it no unworthy honor to return again to the Capitol in Richmond as representatives of local constituencies.

For the period of Gordon's service in the House as a delegate, its clerk and keeper of the rolls was George Wythe Munford, who occupied the position for a long series of years, and who has left in his volume, "The Two Parsons," a notable account of many of the prominent figures of his day and generation in the Commonwealth. Munford himself was a man of ability and of engaging personality; and his wide acquaintance with his contemporaries of public importance entitles him to a conspicuous position in any narrative of the legislative events of the time. He was elected Clerk of the House of Dele-

gates in 1825, and continued in the office for twenty-seven successive years by unanimous votes. He was elected in 1829, upon its assembling in Richmond, Clerk of the Constitutional Convention of 1829-30; but resigned that office after two months, because it conflicted with his duties as Clerk of the House of Delegates. He was at a later period Secretary of the Commonwealth; and in his long public career gained perhaps a larger acquaintance than was possessed by any other individual of his generation with the history and forms of state legislation, and with the condition of the accounts and claims of the State. Governor Henry A. Wise said of him in his later years that he was *"intus et in cute* a Virginian, imbued with their prejudices, their pride, their passions, their grace and their glory!"

During his long tenure of the office of Clerk of the House many notable Virginians filled the Speaker's chair: James Barbour, Governor, Senator, Minister to England; Andrew Stevenson, Speaker of the United States House of Representatives; Robert Stanard, Judge of the Supreme Court of Appeals of Virginia; Linn Banks, accomplished parliamentarian and able debater, and United States Congressman; Thomas Walker Gilmer, Governor and Secretary of War; William O. Goode, three times elected Speaker, member of Congress, and a member of the convention which made the Constitution of 1850; and Valentine W. Southall, who was one of the ablest lawyers of his day in the Commonwealth. Of these Speakers of the House, Barbour, Stevenson, Stanard, Banks, Gilmer and Southall, all came from Gordon's section of the State, along the eastern base of the Blue Ridge Mountains, which John Randolph had called "The Red Hills of Piedmont," and hailed as the home of greatness.

Munford, in addition to his clerical services, compiled and published a revision of the Code of Virginia in 1860, and another edition in 1873; and

wrote "The Two Parsons" at a later date. He died in January, 1882, aged seventy-nine years.

Another and more picturesque figure in the halls of legislation during Gordon's stay in the House was its Sergeant-at-Arms, Peter Francisco, the remarkable soldier of the Revolution, of whom it was said that "he used a sword having a blade five feet in length, which he could wield as a feather, and every swordsman who came in contact with him paid the forfeit of his life. His services were so distinguished that he would have been promoted to an office had he been enabled to write. His stature was six feet and an inch, and his weight two hundred and sixty pounds * * * Such was his personal strength that he could easily shoulder a cannon weighing eleven hundred pounds." He had engaged in the battles of Brandywine and Monmouth in the North, and the Cowpens, Camden and Guilford Court House in the South; and was famous throughout the country for having defeated in 1781, single-handed, nine of General Banastre Tarleton's dragoons, in sight of a troop of four hundred of their comrades. Francisco had obtained the position of sergeant-at-arms of the House through the influence of Colonel Charles Yancey, Gordon's commander in the War of 1812; and at the time of Munford's election to the clerkship was a man well advanced in years. In spite of his age, however, Munford writes of him: "In those days I have seen old Peter Francisco, the giant sergeant-at-arms, so renowned in Revolutionary times for his herculean strength, grasp a stout man by the collar with his left hand, and raising him from the floor with perfect ease, walk with him out of the house for having improperly intruded within the bar." Francisco died in 1836.

For the entire period of Gordon's service in the Virginia House of Delegates the Speaker of that body was Linn Banks, of the Piedmont county of Madison. Mr. Banks had a peculiar experience, in

that "for twenty successive years he was Speaker of the House of Delegates, an office for which he was so peculiarly qualified that he was selected to fill it in all the mutations of party." He was a warm friend of Mr. Jefferson's project of establishing a State University. Mr. Banks retired from the legislature in 1838, and was elected to Congress in that year, to complete the unexpired term of John Mercer Patton, who resigned. He was re-elected for the two succeeding terms. He retired to private life in 1841, having been defeated for Congress in that year; and was found drowned in the February following in a stream which he had to cross in going from Madison Court House to his home in the country. Mr. Banks was noted for his skill as a parliamentarian, his impartiality of decision, and his urbanity of manner.

Gordon's first associate in the General Assembly from Albemarle was Samuel Carr. He was the second son of that Dabney Carr who had moved in the House of Burgesses, in 1773, the resolution appointing the Committee of Correspondence, and who had married Mr. Jefferson's sister, Martha. Samuel Carr was therefore Mr. Jefferson's nephew; and he was a brother of the younger Dabney Carr, who is frequently mentioned in Gordon's letters to his wife during the War of 1812, and who later became Chancellor, and Judge of the Court of Appeals. Samuel Carr lived at "Dunlora," a few miles north of Charlottesville. He was a magistrate, and a colonel of State troops during the War of 1812; and served one term in the House of Delegates. Eight years later he became a member of the State Senate from the district composed of Albemarle and Nelson counties, which was represented throughout Gordon's stay in the General Assembly by Joseph C. Cabell.

Of his several other talented colleagues from the county during his legislative career, the second in point of time was Dr. Charles Everett, who lived at Belmont, adjacent to the Edgehill estate of Governor

Thomas Mann Randolph, until 1821, and later at Everettsville, in the same neighborhood. A local historian says of Dr. Everett that "he was a man of great talent in his profession, reserved in disposition, and possessed of an indomitable will. Rather suspicious of men in general, he was yet warm-hearted and liberal when their sincerity was proved, and consequently was slow in making friends, but very tenacious in holding them. He was a keen observer of human nature and its various workings, and often used the knowledge thus gained to the surprise and benefit of his many patients. Save in a few instances he was a disbeliever in medicines, and held that the physician's highest aim should be to assist nature, rather than coerce her.

"He graduated in medicine at the University of Pennsylvania in 1796, and with a short interruption continued the practice of his profession until his death. The break in his medical career mentioned occurred in 1817, when he became the private secretary of President Monroe, and afterwards a representative in the State legislature from the county of Albemarle. Soon quitting politics, he returned to his profession, and in a short time became one of the most famous physicians in the State. Besides Albemarle, his practice extended over seven adjoining counties, and at one time he was called to attend Bishop Madison in Richmond. He was also one of the consulting physicians in the last illness of Mr. Jefferson. Though they were such close neighbors, they were far from being close political friends; and even the little friendship they had nearly vanished when Jefferson looked up, and seeing Dr. Everett one of the three, said with a touch of grim humor: 'Whenever I see three doctors, I generally look out for a turkey-buzzard.' And though Jefferson meant it as one of his jokes, the sensitive doctor took it seriously and withdrew."

Dr. Everett became the private secretary of

President Monroe during the latter's second term, in 1822, and not in 1817, as above stated. He had served a term in the House of Delegates, and been a candidate for a later term, but was defeated in 1822 by Mr. Rives. Gordon wrote to Mrs. Gordon from Richmond, December 15, 1822: "Doctor Everett is appointed Private Secretary to the President, and has yielded the protracted but hopeless contest for a seat in the legislature."

The physician in politics appears to have been a not unusual figure at that time in the public eye. Dr. Everett was succeeded in the House of Delegates by Dr. Charles Cocke as one of the two Albemarle representatives. Dr. Cocke is said to have been "distinguished in the State as one of the ablest of its political writers and debaters." He served one term in the House; and after 1830 was for a number of years State Senator from the district.

Dr. Cocke's successor in the House from Albemarle was Mr. William Cabell Rives, Gordon's near neighbor, who served with him for one term, in 1822-23. Mr. Rives is described by a contemporary as " a small man, very much like his father, with a fair complexion, chestnut hair, blue eyes, and handsome features. He was a conspicuous figure in the politics of his period, and achieved distinguished position as representative in Congress, United States Senator, and Minister to France. His career amply justified the inscription upon his tombstone at Walker's Church, near Castle Hill, that he was a statesman, a diplomatist and a historian."

Upon Mr. Rives' election to Congress in 1823 he was succeeded in the House of Delegates by Jefferson's son-in-law, Colonel Thomas Mann Randolph, of whom some account has been given in a preceding chapter. After serving one term, Colonel Randolph retired; and was followed in the office of delegate by Rice W. Wood, a young lawyer of Albemarle, who had only been admitted to the bar three years earlier,

and who for three later terms was a member of the House, dying while he was a delegate, in 1832, and as has been pathetically said of him, "on the threshold of a promising career." That he was a man of ability and distinction in his community is evidenced by his frequent election to this position from a county whose representatives stood in the very forefront of the talent of the State.

In 1827 and 1828 Dr. Cocke was again in the House; and Gordon's associate in the last year of his service as delegate from Albemarle was Hugh Nelson, of "Belvoir," then an elderly man, who had already been a member of the House of Delegates and its Speaker; and after having represented the district in Congress by successive re-elections from 1811 to 1823, when Mr. Rives succeeded him, had been appointed in the last named year as United States Minister to Spain.

It was an illustrious representation of the greatest of the counties lying among the Red Hills of Piedmont, which had carried on its rolls, as members of the House of Burgesses of the Colony, and of the General Assembly of the Commonwealth, since Albemarle had become a county in 1744, down to the Constitutional Convention of 1829-30, the names of Peter Jefferson, father of the President; Thomas Jefferson, himself; William Cabell, and William Cabell, Jr.; Thomas Walker of Castle Hill, John Walker of Belvoir, Charles Lewis, Edward Carter, George Gilmer, Wilson Cary Nicholas, Joshua Fry, Walter Leake, William Waller Hening, Francis Walker, James Monroe, Tucker Coles, Hugh Nelson, William C. Rives, Thomas Mann Randolph, and others, whose civic achievements were no less honorable, and are less conspicuous only in degree.

The General Assembly of Virginia during the first half of the nineteenth century was distinguished for the high order of ability, the political knowledge and

acumen, and the lofty personal character of its members. It was the training-school of a statesmanship that not only made the Commonwealth notable in her local administration and character among her associate States, but that gave her an imposing and commanding influence through a long period in the larger affairs and the more expanded life of the nation. It was the theatre on which were discussed, with an intelligence, an ability and an eloquence seldom excelled, the great questions of constitutional interpretation and governmental administration; and which at times caused the local legislation of the State to seem a secondary matter in comparison. The Virginia Resolutions, the Kentucky Resolutions, the Missouri Compromise, Nullification, the Bank of the United States, the Removal of the Deposits, Slavery—all these were issues which were regarded as important for the consideration of the General Assembly in their turn, and were debated and passed upon by resolution with a larger zeal and enthusiasm than characterized the discussion and enactment, in most instances, of State legislation. It was the forum where the Virginian aspirant for political distinction learned the best lessons of his profession; and where, no less, many who had realized high honors in the larger life of the Union esteemed it still a distinction to serve their country by serving their State.

Space does not permit the introduction here of all of Gordon's contemporaries in the General Assembly who were prominent, or even of all of those who were highly distinguished. But his association with the legislation establishing and affecting the University of Virginia was such that some account of those who, with Mr. Cabell and himself, were most conspicuous in advancing and maintaining the cause of Mr. Jefferson's educational enterprise, seems not only appropriate but necessary.

Of Mr. Cabell himself it needs only to be said

that he was a member of the General Assembly, either as delegate or Senator, for about thirty years; that he was a Visitor and the Rector of the University, which he did so much to create; that he was "a man of national reputation," and that he is said to have "declined Cabinet appointments under Mr. Monroe, if not Mr. Madison." His greatest fame, however, will continue to rest upon his connection with the establishment of the University of Virginia, as illustrated in his correspondence with Mr. Jefferson.

Conspicuous among the friends of the University in the House was Briscoe G. Baldwin, of Augusta County. In the debate on the University bill in the House in January, 1819, Mr. Baldwin, who had made an earnest fight for Staunton as the site for the University, now came forward "with a magnanimity only equalled by his eloquence to invoke the house to unite in support of the University." Of Baldwin's part in this debate Cabell wrote to Jefferson on January 18, 1819:

"Having left the House before the critical vote on the site, to avoid the shock of feeling which I should have been compelled to sustain, I did not hear Mr. Baldwin. But I am told the scene was truly affecting. A great part of the House was in tears; and on the rising of the House, the eastern members hovered around Mr. Baldwin * * * Such magnanimity in a defeated adversary excited universal applause."

Baldwin served in the legislature from 1818 to 1820; and was a member of the Convention of 1829-30. He was again elected to the General Assembly from Augusta in 1841, and while a delegate was chosen to fill a place on the bench of the Court of Appeals of Virginia.

A later member from Augusta, who is mentioned in the Jefferson-Cabell correspondence as interested

on behalf of University legislation, was Chapman Johnson, who was in the House in the session of 1822-1823. His aspirations were legal rather than political; and he had great and deserved reputation as an able lawyer. He also was a member of the Convention of 1829-30; and was a Visitor and subsequently the Rector of the University.

Another prominent friend of the University, frequently mentioned by Mr. Cabell in his letters to Mr. Jefferson, was General James Breckinridge of Botetourt County. General Breckinridge was for several years, at a period prior to the agitation of the University project, a member of the General Assembly, and a Federalist leader in that body. He represented the Botetourt district in Congress from 1809 to 1817; and was a candidate of his party against James Monroe for Governor of the State. General Breckinridge was a brother of John Breckinridge, of Kentucky, who had at one time practised law in Albemarle County, and who introduced in the Legislature of that State the famous "Kentucky Resolutions of 1798," drawn by Mr. Jefferson, Nicholas and himself. General Breckinridge was a member of the first Board of Visitors of the University, which consisted of Mr. Jefferson, who was the Rector, Mr. Madison, Mr. Chapman Johnson, General Breckinridge, Mr. Robert B. Taylor, General John H. Cocke and Mr. Joseph C. Cabell. At the time of his advocacy of the University's interests General Breckinridge had returned to the General Assembly as a member of the House from Botetourt.

Yet another member of the House of Delegates, conspicuous for the zeal and ability with which he supported the University measures, was Mr. George Loyall, of Norfolk. Mr. Loyall was born at Norfolk, September 11, 1789. He was wont to say of himself that he "came in with the Constitution." He was educated at William and Mary College; and afterwards went to England, and spent two years in

London. He began the practice of law in his native town about 1823, and in 1825 was elected from Norfolk to the House of Delegates. His talents were of a commanding character, and he was in 1829-30 a member of the Constitutional Convention; and in 1829 was a candidate for Congress from the Norfolk District. The certificate of election was awarded to his opponent, Mr. Thomas Newton; but Mr. Loyall contested the election. On the motion "that George Loyall is entitled to a seat in the 21st Congress of the United States, as the representative from the district in Virginia composed of the counties of Norfolk, Nansemond, Elizabeth City, Princess Anne and the Borough of Norfolk," he was awarded the seat by a substantial majority. This victory was followed by his re-election to the 22nd Congress, "badly defeating his opponent who had been entrenched for a long period in that position." During his service in the General Assembly, the Convention, and these two sessions of Congress, a warm friendship sprang up between Gordon and Mr. Loyall, which was illustrated by the former's giving one of his sons, born in 1829, the name of his friend. Mr. Loyall was subsequently appointed Naval Agent at Norfolk by President Jackson, and reappointed by President Polk; and continued in the office until the period of the War between the States. He was for a number of years an influential member of the Board of Visitors of the University. Mr. Loyall was a stalwart supporter of "the schools of Jeffersonian and Jacksonian democracy, and a strong advocate of free trade." In the dissensions that arose among the Democrats over the Bank Controversy, Nullification, and other questions of the period, Gordon, as hereafter narrated, antagonized the administration of Jackson; but his friendship and admiration for Mr. Loyall continued as long as he lived. Mr. Loyall's death occurred in Norfolk in February, 1868.

Conspicuous among the younger members of the House of Delegates in the later sessions of Gordon's membership was James Murray Mason, grandson of George Mason, of Gunston, the author of the "Bill of Rights," himself destined to add lustre to a great Virginia name as United States Senator, author of the Fugitive Slave Law of 1850, and commissioner to England, with John Slidell, in 1861 from the Confederate States of America. He was a strict constructionist of the State-Rights party, and during his service in the Senate of the United States was in the thick of the fray over slavery. For the Virginians of the old school his name was indelibly associated with the pathetic scene in the Senate in 1850, when he read to that august body, in the presence of its author, who sat by him with the mark of death on his face, the last speech of John C. Calhoun, whose theme was the tremendous question, "How can the Union be preserved?"

Within the period of Gordon's activities in the House of Delegates the Governors of the Commonwealth were James P. Preston, from December 1, 1816, to December 1, 1819; Thomas Mann Randolph, from December 1, 1819, to December 1, 1822; James Pleasants, Jr., from December 1, 1822, to December 1, 1825; John Tyler from December 1, 1825, to March, 1827; and William B. Giles from March, 1827, to March, 1830.

The office of Governor, from 1776, was esteemed by the earlier Virginians as the most exalted and distinguished public position in the gift of the Virginia people; and it was no uncommon thing in the later half of the eighteenth and the first half of the nineteenth century for a United States Senator to resign his seat in the Federal Senate to assume the executive duties of Governor of Virginia. The roll of those who have occupied the office from the beginning has been and continues a highly honorable one; but the earlier names of the Chief Magistrates of the

State appear in the lapse of time to shine with an ever-increasing lustre. Beginning with Patrick Henry, they embrace, among others less distinguished only in degree, those of Thomas Jefferson, Thomas Nelson, junior; Benjamin Harrison, Edmund Randolph, Beverly Randolph, Henry Lee, Robert Brooke, James Monroe, John Page of "Rosewell," William H. Cabell, John Tyler, Peyton Randolph, James Barbour, and Wilson Cary Nicholas; the last named being the immediate predecessor of Governor Preston. Under the Constitution of 1776, and also under that of 1829-30, the Governor was elected by the joint ballot of the two houses of the General Assembly, as in the case of United States Senators; and this method of election continued until the Constitution of 1850, when the office became elective by the people.

Governor Preston was one of that distinguished family, among whose members have been orators, statesmen and soldiers, who have illustrated in their civic and military careers the virtues and talents of the Scotch-Irishman in America. John Preston, the grandfather of Governor James P. Preston, emigrated to Pennsylvania from Londonderry, and came thence with the tide of Scotch-Irish immigration southward, which, settling the Shenandoah Valley of Virginia, passed onward into the Mecklenburg section of North Carolina, and spread its children and descendants throughout the Southwest and the West. He served in the State Senate, and during the War of 1812 was a colonel in the United States Army, and was wounded in the battle of Chrystler's Field. In his administration the University of Virginia was established, and a Revision of the Code of Virginia was made.

Of Preston's successor in the Executive office, Colonel Thomas Mann Randolph, some account has been given in the preceding pages. He was followed by Governor James Pleasants, junior, who had

already had a large experience in public life. He had represented the county of Goochland in the House of Delegates, and in 1803 had been chosen clerk of that body, which office he filled for seven years. Subsequently he was elected to Congress, where he remained until 1819. In 1819 he was elected Senator from Virginia, and held that office at the time he was elected Governor in 1822.

On December 15, 1822, Gordon wrote from Richmond to Mrs. Gordon at Edgeworth, "We have elected Mr. Pleasants of the Senate of the United States our Governor; and Colonel John Taylor of Caroline will most probably take his place." Later he served in the Constitutional Convention of 1829-30. It has been said of him that "although twice appointed to judicial position, he declined the honors offered him, and retired to Goochland County, where on November 9, 1836, he closed a well-spent life. He died universally regretted and greatly esteemed for his many public and private virtues."

One of his great characteristics as a successful politician was his ability to make and keep friends. "James Pleasants never made an enemy nor lost a friend," was the noble eulogium bestowed upon him by John Randolph of Roanoke.

In a letter to his wife written soon after Governor Pleasants' election by the legislature to the office of Governor, Gordon gives the following graphic and pleasing pen-picture of him:

"He is rather beyond the ordinary height, a little inclined to corpulency, with a form apparently muscular, and indicating more of strength than agility. His countenance is expressive of a composed goodness of heart; and the plainness of his first manner shows you at one glance how superior is the native quakerism of his address to any affectation of dignity which his high station in life may be supposed

to require. His hair is red, his complexion sanguineous, the forehead not high or full, but broader than usual, the eyebrows small and disproportionate to the face and forehead. His eyes are full, large and blue, with an expression of softness and sense. His mouth is large, and expresses, together with the eyes, a natural willingness to smile. His whole appearance and manner indicate an amiability of heart and a virtuous moderation, which, while it seems to yield to the opinions and wishes of others, excites in them a confidence that so much goodness, patience and sense can be rarely wrong; and you see at once that his influence, like oil, smoothes the asperities and roughnesses of government and makes the whole machinery play cheerily together."

Of the two other Governors of Gordon's legislative experience, Tyler and Giles, accounts are given in subsequent pages.

CHAPTER VIII

IN THE GENERAL ASSEMBLY—POLITICS AND POLICIES—WILLIAM B. GILES.

Although the most noteworthy and important work done by Gordon as a member of the General Assembly was that in connection with the establishment of the University of Virginia, his life as a legislator was a diligent and industrious one; and he left a marked impress upon the legislation of the period.

The posthumous reputation of his oratorical power, a gift with which he was unusually endowed, even in that day of oratory and forensic expression, has served to obscure the just proportions of his eminence as a lawyer. In the earlier years of his professional career he had been a diligent student of law as a science; and his knowledge of the principles of the subject was substantial and accurate. From the time of his first election to the House of Delegates he was an influential member of the Committee on Courts of Justice, and during much the larger part of his service its chairman. It was no inconspicious tribute to his legal ability to have held this position in a body for the most part composed of lawyers of ability, the strongest of whom were the members of this committee.

When he entered Congress his legal acquirements were at once recognized by the Speaker, Mr. Andrew Stevenson, himself a Virginian, and familiar with Gordon's standing in his profession, in his appointment to the much coveted position of a member of the Judiciary Committee of the House. In 1824, when chairman of the Committee of Courts of Justice of the House of Delegates, he performed a notable work in connection with the consolidation

for the first time into one act of the several acts fixing the fees of officers. In 1827 he reported from the same committee, with amendments, "a bill to prescribe the method of proceeding in suits or petitions for divorce," and "a bill providing for a revision of the laws concerning the judiciary, and judicial proceedings," both of which measures bear the impress of his knowledge and labor; and these were followed in the same year by "a bill to punish the attempt to poison," "a bill for the further limitation of real actions," and "a bill for changing the punishment of free negroes and mulattoes in certain cases," which were also in large measure the results of his acquirements and industry. In 1828 he still continued to occupy the chairmanship of this committee, and reported the important bill requiring all clerks "to index deeds in the name of both grantor and grantee," a requirement which previously had not existed in the Commonwealth. At the same session he reported various bills, "concerning pleas," "concerning the statute of descents and distributions," "concerning the limitations of actions," and "concerning motions against sheriffs." Where he was not himself the author and draftsman of these several measures, which formulated much of the statute law of the period, he always supervised and directed them with such a knowledge of their scope and significance as enabled him to discuss them in debate intelligently, and generally with success. In an epoch when the journals of the legislature disclose that the enactment of innumerable laws was not the prevailing conception of legislative duty, and when the discussion of great governmental principles was regarded as of no less importance than the making of statutes, Gordon appears to have been equally industrious, energetic and forceful in either direction.

In a letter to his wife in December, 1818, during the first session of his legislative service he gives the following account of the routine life of a delegate:

"I have not read as much as I expected I should, although I have found some time to occupy in that way. I go on committee directly after breakfast, where I remain till the House meets, and there until three o'clock; after which I have to get dinner, and then it is night. So that the life of a Virginian lawmaker is one of no ordinary toil, if he does his duty."

Of the politics of the period he possessed a knowledge, founded upon extensive reading and a cultivated familiarity with passing public events, which gave him great influence in his application of it, in discussion and debate, to the principles which were profoundly rooted in his conception of republican government. The Jeffersonian ideas of individualism, of economy and simplicity in the affairs of administration, of antagonism to the centralizing tendencies of the Hamiltonian Federalists, and of the basic right of the people to local self-government, were fixed principles with him. "Freedom of religion, freedom of the press, freedom of commerce, no suspension of *habeas corpus,* and no standing army"—this formulation by Jefferson of the underlying meaning of constitutional democracy contained for Gordon the very essence of liberty. For the sage of Monticello himself he entertained a reverence and respect that were founded upon his political opinions and emphasized by an intimate and personal affection. The feeling was one which characterized all the younger men of the Jeffersonian school who came within the sphere of Mr. Jefferson's personal influence and charm. After the war between the States was ended, and Gordon had long since passed from the field of action, this attitude towards their great leader was aptly expressed in conversation by one of them then surviving, Mr. Hugh Blair Grigsby, in the observation, "It is hard for those of a later generation to realize how we young Republicans loved Mr. Jefferson."

It was no insignificant quality of the man who could inspire the wrath of Federalists, like Luther Martin, to exhaust their expletives in denouncing their enemies as being "as great scoundrels as Tom Jefferson," that he was enabled to win to himself not only the intellects but the ardent affections of his political followers.

Virginia, during the period of Gordon's service in the legislature, was strongly under the spell of Mr. Jefferson's dominating influence and opinion; and the General Assembly of the State took no small part in impressing that influence on the country at large by the frequent discussion of governmental principles and the official adoption of political resolves. So we find Gordon, in 1820, advocating and supporting the resolutions offered and adopted in regard to the Missouri Compromise—a state paper so striking in its enunciation of the tenets of Jeffersonian republicanism as to warrant its reproduction here in full. It was one of the early bugle-blasts from the South which sounded the alarm of a later and tremendous tragic conflict over State-Rights and Slavery. Missouri was seeking admission to the Union; and the General Assembly of Virginia in these resolutions expressed to the Congress of the United States the opinion of the people of Virginia upon the question of the terms of her admission.

"1. That the Congress of the United States have no power under the Federal Constitution to dictate to the people of the Missouri territory what principles shall govern them in the formation of their constitution or system of government or in the adoption of regulations respecting their property, but are simply bound to guarantee to them (in common with the other States) a republican form of government.

"2. That the Congress of the United States are

bound in good faith by the treaty of cession of 1805 to admit the good people of the Missouri Territory into the Union upon equal terms with the existing States.

"3. That the General Assembly of Virginia will support the good people of Missouri in their just rights to admission into the Union, and will cooperate with them in resisting with manly fortitude any attempt which Congress may make to impose restraints or restrictions, as the price of their admission, not authorized by the great principles of the Constitution, and in violation of their rights, liberty and happiness.

"4. That the Senators from this State in the Congress of the United States be instructed, and the representatives requested, to use their best efforts in procuring the admission of the State of Missouri into the Union, upon the principles contained in the foregoing resolutions, and in resisting any attempt which shall be made in Congress to impose conditions upon the people of Missouri not warranted by the treaty of cession and the Constitution of the United States."

These resolutions, adopted by her legislature on January 11, 1820, constituted Virginia's defiance to the attempt that had been made in the preceding session of Congress to forbid slavery or involuntary servitude in Missouri except as a punishment for crime, when the Territory had applied for admission as a State—an appearance of the slavery question so surprising and so sudden and so anxious, that Mr. Jefferson was moved to say of it, that it startled him "like a fire-bell in the night." The Missouri bill had failed, after an acrimonious and stubborn struggle, which, then begun, was renewed with unabated stubbornness and acrimony in the next session of Congress. Then the deft and guiding hand of Henry Clay formulated the Missouri Compromise

Act of 1820, prohibiting slavery thenceforward north of the line of 36°30'; and "the moderates" of South and North alike supported and enacted it. John Randolph of Roanoke with picturesque vituperation denounced the Compromise Act as "a dirty bargain" and those who voted for it as "doughfaces." Jefferson wrote of it afterwards that he considered it " at once as the knell of the Union. It is hushed indeed for the moment. But this is a reprieve only, not a final sentence." He continued: "The coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion, and renewing irritations, until it would kindle such mutual and mortal hatred as to render separation preferable to eternal discord."

The period was one of tremendous political significance in its formulation of great questions of grave moment; and the legislature of Virginia, in which were gathered many of the finest intellects of the Commonwealth and of the country, spoke upon all of these, as occasion arose, with no uncertain sound.

On February 12, 1820, Gordon voted with the majority in the House of Delegates in favor of a resolution declaring it to be "the opinion of the General Assembly of Virginia that the law of Congress establishing the Bank of the United States is not authorized by the Constitution;" thus taking position upon a question which later gave rise to great dissension in the Republican party, growing out of the removal of the deposits, the senatorial censure of the President of the United States, the bitterly contested "expunging resolution" of Benton, the fight over the "pet banks," and the final establishment of Gordon's great scheme of the Independent Treasury. The legislature's resolution opposing the establishment of the bank on the ground of its unconstitu-

tionality was not inconsistent with its later resolutions, reported to the House of Representatives by Gordon, when a member of that body as hereafter narrated; for the last-named resolves were also based upon what the General Assembly of Virginia regarded as an unconstitutional usurpation of authority by the Federal Executive.

In the following session of 1820-21 Gordon voted in the House of Delegates with a majority of one hundred and thirty-eight against eighteen in favor of a vigorous declaration of the doctrine of State sovereignty, and a protest against the assumption of jurisdiction by the Federal Supreme Court in the case of *Cohens* vs. *Virginia:*

"Resolved, That the Supreme Court of the United States have no rightful authority, under the Constitution, to examine and correct the judgment for which the Commonwealth of Virginia has been 'cited and admonished to be and appear at the Supreme Court of the United States,' and that the General Assembly do hereby enter their most solemn protest against the jurisdiction of that Court over the matter."

This pronunciamento declared the attitude of the Commonwealth towards what it regarded as an unwarranted assumption of jurisdiction over a sovereign State by the Supreme Court of the United States, then presided over by Chief Justice Marshall. The Cohens were indicted by the State Court at Norfolk for a violation of the State anti-lottery statute. The defendants claimed the protection of an act of Congress relating to the District of Columbia. Judgment went against them; and being without right of appeal to any Virginia court, they appealed directly to the Supreme Court of the United States.

In February, 1826, Gordon's name is found among the one hundred and thirty-three ayes recorded on the journal of the House of Delegates as against

twenty-three noes, in favor of a resolution declaring that "the imposition of taxes and duties by the Congress of the United States for the purpose of protecting domestic manufactures is an unconstitutional exercise of power, and is highly oppressive and partial in its operation."

In February, 1829, he supported with voice and vote a series of resolutions adopted by the House, which were as significant in the doctrine they asserted, though not in the remedy they proposed, as was the nullification ordinance of South Carolina adopted in 1832. By them it was resolved:

"1. That the Constitution of the United States, being a federative compact between sovereign States in construing which no common arbiter is known, each State has the right to construe the compact for itself.

"2. * * *

"3. That this General Assembly of Virginia, actuated by the desire of guarding the Constitution from all violation; anxious to preserve and perpetuate the Union, and to execute with fidelity the trust reposed in it by the people as one of the high contracting parties, feels itself bound to declare, and it hereby most solemnly declares, its deliberate conviction that the acts of Congress, usually denominated the Tariff laws, passed avowedly for the protection of domestic manufactures, are not authorized by the plain construction, true intent, and meaning of the Constitution. Also, That the said acts are partial in their operation, impolitic, and oppressive to a large portion of the people of the Union, and ought to be repealed."

The vote was one hundred and twenty-six to seventy-five in favor of the adoption of these resolves, which embodied a legislative expression of the Jeffer-

sonian republicanism of Virginia on the question of a protective tariff. In December, 1825, Mr. Jefferson had written to William B. Giles, with an understanding which penetrated to the core of the subject:

"Under the power to regulate commerce, the government assumes indefinitely that also over agriculture and manufactures; and calls it regulation to take the earnings of one of these branches of industry, and that, too, the most depressed, and put them into the pockets of the other, the most flourishing of all."

The whole doctrine of strict constitutional construction appeared at this period to the individuals in the State-Rights party of Virginia, no less than to its General Assembly, to be threatened. Jefferson was in political retirement at Monticello, oppressed with the physical infirmities of age, and anxious for some portion of the peace of mind to which he thought his services had entitled his later years. But his followers still looked to him as to an oracle. On December 10, 1825, Gordon wrote to him from Richmond as follows:

"I am reluctant to intrude on your retirement, and certainly not disposed to involve you in the strife of politics. Yet a crisis in our public affairs, which seems to threaten all the principles of the Federal Constitution, emboldens me to address you. You see by Governor Pleasants' communication to the legislature that he recommends an instruction to our Senators, on the subjects of the tariff and roads and canals; whilst the sweeping message of President Adams leaves little room to hope that we shall be able to save even a vestige of the Constitution. Our brethren of the western part of Virginia are most of them friendly to the power usurped by the General Government on the subject of internal improvement, their interest luring them from an impartial judgment. They have more than once evidenced

in the legislature of this State their sentiment on that subject by voting for, as Senator, a gentleman known to be latitudinary in the construction of the Constitution in that particular; whilst the General Government at the same time holds out inducements, which may fairly be called bribes to the States, and particularly to Virginia, on this great subject.

"What then can we do, and to whom can we look but to the Fathers of the Republic to aid us by their counsel and wisdom in sustaining the principles of the Government, which they have taught us to believe were those only by which the safety of the States and the bonds of union could be maintained? Shall the authorities of the States 'fold their arms in inglorious indolence,' whilst we hear proclaimed from the President of the United States sentiments subversive of every principle of a limited government—indeed, reviving the antiquated doctrine of the divine right of power; spurning the opinion of 'constituents,' lest rulers should be palsied; proclaiming that 'Liberty is Power, and that the tenure by which power is held is the moral purpose of the Creator to exercise it for ends of beneficence,' etc? Is this the language of an American President acting under a written Constitution of defined and specified grants of power, or of a European despot who rules by the grace of God?

"But, sir, I will not fatigue you with comments on this extraordinary State paper. Should you deem it wise that the legislature of Virginia should move at this time in relation to any of the subjects in which the rights of the States and the true interpretation of the Constitution are involved, any communication you think proper to make will be treated with all the delicacy, which an entire confidence in your wisdom and a profound personal respect can inspire.

"No inducement could have tempted me to trespass on your time but where the safety and happiness

of the community are concerned; and I have appealed with confidence to one whose life has been devoted to the service of his country and of mankind.

"We have as yet taken no step relating to the University. Mr. Cabell is absent from some family misfortune, and will be so until after Christmas. The sentiments towards the University, so far as I can learn, are of the most friendly kind; and I sincerely hope that we shall hereafter have little difficulty in completing the institution in a way that will fulfill the expectations of its friends and of the world. If Mr. Adams' University succeeds, we may have a fearful rival. With sentiments of the most perfect and entire respect, Your obedient servant."

Jefferson's reply written from Monticello on January 1, 1826, just six months prior to his death, while exhibiting some of the impatience which characterized much of his later correspondence, evinced no diminution of his intellectual powers, or of his fixed views upon the political questions of the period.

"I cannot blame you," he wrote to Gordon, "if you have been thinking hardly of my long delay in answering your favor of 10th ult., but knowing the state of my health these thoughts will vanish from your mind. It is now three weeks since a re-ascerbation of my painful complaint has confined me to the house and indeed to my couch. Required to be constantly recumbent I write slowly and with difficulty. Yesterday for the first time I was able to leave the house and to resume a posture which enables me to begin to answer the letters which have been accumulating, and I take up yours first.

"Weakened in body by infirmities and in mind by age, now far gone in my eighty-third year, reading one newspaper only and forgetting immediately what I read in that, I am unable to give counsel in cases of difficulty, and our present one is truly a case of

difficulty. It is but too evident that the branches of our foreign department of government, executive, judiciary, and legislative, are in combination to usurp the powers of the domestic branch also reserved to the States, and consolidate themselves into a single government without limitation of powers. I will not trouble you with details of the instances, which are threadbare and unheeded. The only question is, what is to be done? Shall we give up the ship? No, by heavens, while a hand remains able to keep the deck! Shall we, with the hotheaded Georgian, stand at once to our arms? Not yet, nor until the evil, the only greater one than separation, shall be all but upon us, that of living under a government of discretion. Between these alternatives there can be no hesitation. But again, what are we to do? I am glad I did not answer earlier, for a fortnight ago might have called for a different answer. Since that the South Carolina resolutions are become known, Van Buren's motion, and Baylie's proposition to yield the power of roads and canals, provided it be regularly by an amendment of the Constitution, and guarded against abusive practices under it. We had better at present rest awhile on our oars, and see which way the tide will set in Congress and in the State legislatures. Perhaps it will be better for Virginia to follow than to take the lead in whatever is to be done. A majority of the people are against us on this question. The western States have especially been bribed by local considerations to abandon their antient brethren, and enlist under banners alien to them in principles and interest. If in this state of things we can make such a compromise as Baylie proposes, we shall save, and at the same time improve our Constitution, for I think that with sufficient guards it will be a wholesome amendment. And not doubting but that it comes from the President himself, we may hope its success under such auspices. If I had an opinion therefore, it would

be for lying still awhile. But I have none. I have neither matter nor mind to form one. And I pray that what I have now hazarded to you as a friend may be sacredly locked up in your own breast. For abandoning, as it is time, all intermeddling to the generation now on the stage—the entire management of their own affairs, I should deem it the greatest of all calamities to be inflicted at this period of life in embroilment of which I wish never to think again.

"Yesterday, the last of the year, closed the sixty-first of my continued service to the public. I came into it as soon as of age, which was in 1764, beginning with the court of my county; then their representative; next, Congress; the revised Code; Governor; Congress; Minister Plenipotentiary; Secretary of State; Vice-President; President; Albemarle and Central College; and on my return from Washington, the University, and I may— [illegible].

"Is it not time then, dear sir, to turn me loose? Ever aff'y yours,

THOMAS JEFFERSON."

"The hot-headed Georgian" to whom Mr. Jefferson alludes in this letter was Governor George M. Troup of Georgia, who a short time before had undertaken to remove from that State the Creek Indians. These Indians had made a treaty with the United States by which they agreed to surrender their lands; but repudiated the treaty. The State of Georgia proceeded to have the lands surveyed, with a view to causing the speedy removal of the Indians. The Federal Government called on Troup to suspend the survey until further notice; and sent United States troops to Georgia under General Gaines. Gaines and Troup were on the point of hostilities. There was great excitement throughout the State, and Troup called on the people to "stand

to their arms;" but at last agreed to await the negotiation of a new treaty, under which the Creeks were finally removed to territory beyond the Mississippi. The episode was a notable one in the political history of the period.

In spite of Mr. Jefferson's diplomatic attitude on the subject of Mr. Baylie's proposed amendment, opposition to internal improvements by the General Government continued to be one of the cardinal political tenets of Virginia republicanism; and on February 28, 1826, Gordon voted in the affirmative on the following resolution on that subject, which was adopted by the House of Delegates:

"That the Congress of the United States does not possess the power, under the Constitution, to adopt a general system of internal improvements in the States, as a national measure;" and "that the appropriation by the Congress of the United States to construct roads and canals in the States is a violation of the Constitution."

'On the 22nd of February, 1827, on Gordon's motion, the report of a committee "Upon certain points of fundamental law and certain differing claims of jurisdiction between this State and the Government of the United States," was taken up; and after discussion and debate, in which he took a conspicious part, it was adopted on the 2d day of March following, upon his motion for a recorded vote, by the significant majority of one hundred and thirty-five ayes to forty-seven noes. The report is a masterly state paper of the period, and was penned by William B. Giles, who had already represented Virginia in the Senate of the United States, and shortly after its composition entered upon his first term as Governor of the State. The preamble and resolutions embodied in this report of Mr. Giles seem to constitute so perspicuous and powerful a

presentation of the democratic doctrine of State sovereignty in its ultimate significance, that they are given here in their entirety.

"The General Assembly of Virginia, actuated as it always has been by the most sincere disposition for the preservation of the Union of these States, believing that the Union can only be preserved by keeping the General and State governments within their respective spheres of action as marked out by the Constitution of the United States; being also sincerely desirous that the General Government should be protected in the full and free exercise of all the specified powers granted to it by the Constitution of the United States, and being at the same time deeply impressed with a sense of its own duty to preserve unimpaired all the rights of the people and government of this State conferred upon it by the Constitution of the State and of the United States, finds itself reluctantly constrained to enter its most solemn protest against the usurpations of the General Government, as described in the Report of the Committee.

"Therefore, Resolved that the General Assembly in behalf of the people and government of this State, does hereby most solemnly protest against the claim or exercise of any power whatever on the part of the General Government to make internal improvements within the limits and jurisdiction of the several States, and particularly within the limits of the State of Virginia—and also against the claim or exercise of any power whatever asserting or involving a jurisdiction over any part of the territory within the limits of this State, except over the objects and in the mode specified in the Constitution of the United States.

"Resolved, In like manner that this General Assembly does most solemnly protest against the claim or exercise of any power whatever on the part of

the General Government to protect domestic manufactures, the protection of manufactures not being among the grants of power to the government specified in the Constitution of the United States; and also against the operation of the Act of Congress, passed May 22d, 1824, entitled 'An Act to amend the several acts imposing duties or imports,' generally called the Tariff law, which vary the distributions of the proceeds of the labor of the community in such a manner as to transfer property from one portion of the United States to another, and to take private property from the owner for the benefit of another person not rendering public service—as unconstitutional, unwise, unjust, unequal and oppressive."

Of the men of his generation in Virginia there was none who possessed a more brilliant contemporary reputation for skill in debate, for eloquence and logic, and for ability as a party leader, than the author of these resolutions. It has been said of Mr. Giles that he was "considered by John Randolph to be in the House of Representatives what Charles James Fox was admitted to be in the British House of Commons—the most accomplished debater that his country had ever seen." No one came within the radius of his influence without being impressed by him. His earliest appearance to Gordon is described in a letter written by the latter in 1822:— "I have seen Mr. Giles, and was astonished at his power of conversation, and the rich and varied fund of political knowledge which he seemed to have on every public subject." At the time of these resolutions Giles had already been a member of the United States House of Representatives, and had won a national distinction, and the undying hatred of the Federalists, by his attack upon Alexander Hamilton, then Secretary of the Treasury, in which he charged him with corruption and peculation. He

had co-operated with Madison in the Virginia General Assembly in procuring the passage of the famous resolutions of 1798; and had later been a Senator from Virginia from 1804 to 1815 in the United States Senate, where he held during a large part of that period the recognized and undisputed position of leader of the Republican party. Yet, like many others of his Virginia compatriots who had not disdained, after serving their State in high position, to continue in her service wherever called, he had returned in 1826 to the House of Delegates of her General Assembly, from which he emerged, during its session, by the votes of his colleagues, as Governor of the Commonwealth, an office esteemed by him the loftiest in her gift.

He was a State-Rights Jeffersonian of the strictest sect; and though the difference in their years was more than a quarter of a century, and Giles at this time belonged to the coterie of political patriarchs who still continued on the scene of events, the similarity of their political views made a strong friendship between himself and Gordon, which survived until Giles' death.

Giles walked with a crutch, which seemed to lend grace and dignity to his movements; and a writer of the period, describing him in the Convention of 1829-30, said: "His style of delivery was perfectly conversational—no gesture, no effort; but in ease, fluency and tact surely he had not there his equal; his words were like honey pouring from an eastern rock." He died in 1830 at an advanced age.

His ability as a forceful and vigorous polemical writer was scarcely less than that which he possessed as a debater. He published a speech on the embargo laws in 1808; political letters to the people of Virginia in 1813; a series of letters signed "A Constituent" in the Richmond *Enquirer* of January, 1818, against the plan for a general education; in April, 1824, a letter of invective against President Mon-

roe and Henry Clay, for their "hobbies," the South American cause, the Greek cause, Internal Improvements and the Tariff; and he also addressed a letter to Judge Marshall, disclaiming the expressions, but not the general sentiments, in regard to Washington, which are ascribed to him in the Chief Justice's "Life" of the first President.

CHAPTER IX

IN THE GENERAL ASSEMBLY—LAFAYETTE'S VISIT—JEFFERSON'S LOTTERY

In 1824 the Congress of the United States adopted by unanimous vote a resolution requesting President James Monroe to invite the Marquis Lafayette, whose presence in the dark days of the Revolution had inspired and aided the struggling colonists, and the memory of whose achievements was still cherished by the young republic, to revisit the country whose independence he had done so much to secure. The invitation was accordingly extended; and Lafayette, then an old man, accepted it, and sailed from Havre, July 12, 1824, in an American merchant vessel, arriving in New York after a voyage of a month and two days. His reception in America was one continuous series of festivities, in all of which he was, of course, the central figure; and he was met everywhere with such evidences of admiration and affection as are seldom bestowed upon those who have long retired from the field of their activities. He remained in the United States for fourteen months, traveling over a large part of the country, and visiting each of the twenty-four States that then composed the Union. Congress voted him a money grant of $200,000 for his services in the War of the Revolution, and a land-grant of 24,000 acres out of the public lands.

Nowhere was his reception more in the nature of a continuous ovation than in Virginia, the scene of some of his most brilliant military triumphs and the home of his devoted personal and political friend, Thomas Jefferson. In November, 1824, he visited Jefferson at Monticello. A contemporary record,

written by an eye-witness of much that occurred upon the occasion of this visit, thus describes it:

"General Lafayette reached Albemarle from Richmond early in the month of November, 1824. He passed through Goochland and Fluvanna on his way, and was received in each county with the liveliest demonstrations of respect and gratitude. He was escorted to the Albemarle line by the Fluvanna troop. At Boyd's Tavern, on the line, he was received by the Committee of Arrangements from Albemarle, and a large deputation of citizens from that county. Mr. William C. Rives, acting as their spokesman, addressed General Lafayette in a felicitous speech of some length, to which the General replied in a very feeling manner.

"After partaking of refreshments at Boyd's Tavern, the party set out for Monticello. The landau of Mr. Jefferson was allotted to General Lafayette by the Committee of Arrangements. The General ascended the landau, attended by Mr. Rives and Thomas Jefferson Randolph, the chairman of the Committee of Arrangements. Then followed 'The Guards,' and next a large body of citizens marshalled into order by Major Clark. In this manner they proceeded to Monticello. At two o'clock in the afternoon the approach of the procession upon the mountain was announced by the bugle, and when the echo of its note was heard, those persons who had assembled at an early hour to witness the General's arrival, formed themselves into a line on the northern margin of the circular yard, in front of the house. The cavalry by a sudden and almost instantaneous movement ranged themselves on the opposite side of the yard. A deep silence prevailed, while every eye turned with eagerness to the point where the General's presence was expected. The next moment the carriage drew up in front of the building.

"As soon as the General drove up, Mr. Jefferson advanced to meet him with feeble steps; but as he approached his feelings seemed to triumph over the infirmities of age, and as the General descended, they hastened into each other's arms. They embraced again and again; tears were shed by both, and the broken expressions of 'God bless you, General,' and 'Bless you, my dear Jefferson,' was all that interrupted the silence of the scene, except the audible sobs of many whose emotions could not be suppressed.

"On the next day the Deputation Committee and the Guards proceeded to Monticello to escort the General to Charlottesville. General Lafayette, Mr. Jefferson and Mr. Madison in the landau proceeded to Charlottesville, where hundreds were drawn up in order, awaiting their arrival. At the steps of the Central Hotel the General alighted, and was received in a handsome manner by the chairman of the Committee, Mr. Randolph, who addressed him as follows:

" 'General: In the name and on behalf of the citizens of Albemarle, I tender to you our most affectionate greeting and cordial welcome. Our fathers, whom you see around us, have taught us, their children, from our earliest youth a grateful respect and an affectionate veneration for you. They have often told us how, in the distressful hour of their affliction and despair, you came to them and cheered them by your presence and your counsels. They have often recounted to us how in the toilsome march, in the inclement night, in the stubborn action, you were at their sides, sharing their fatigues and sufferings and mingling your blood with theirs. These things have sunk deep in our hearts. We look around us, and see that we are free, that we are happy. We recollect that it is partly by your aid that we are so.

" 'We have hailed you in your native land as the friend to the Rights of Man; we have seen you the

victim of your patriotism and of your disinterested principles; we have seen with pleasure your triumphant march through our country—a triumph such as has never been decreed to man—not to an imperial Caesar, or to an Eastern Tamerlane. The homage of ten millions of freemen to virtue and to merit, the unbought applause of a proud and free people, who have scorned alike the despotism of a mob or of a monarch—who have never bent the knee in abject adulation to sceptered power or hereditary honors—who have never bowed but in adoration of their God—are yours. This, General, is the people, who in the exalting swell of their hearts, now greet you as their guest and benefactor.'

"To which the General replied: 'Amidst the patriotic and affectionate enjoyments of this visit to my beloved and venerated friend, I find a high additional gratification in the welcome I receive from the citizens of Albemarle. The recollections you are pleased to allude to are on your part very kind, sir—I may add, they are very generous. I still with regret remember that owing to the necessity of our operating a junction which an active enemy endeavored to prevent, the town of Charlottesville was exposed to momentary invasion. Yet that very circumstance has given fresh proof of the patriotism of the citizens of this and the neighboring counties, as to their spirited assistance we were in a great part indebted for the happy return of our military operations. Now, sir, I rejoice to see you in the full enjoyment of peace and happiness, and of the rising prospects which are before you. Receive, gentlemen, with my congratulations, my respectful and affectionate acknowledgments.'

"The General was then introduced to a large crowd in the reception-room. He was evidently grateful at the glow of feeling. It was not constrained respect to renown or power; it was love. It was deep and grateful affection. It was the mem-

ory of his services and sacrifices for us that swelled the hearts and glistened in the eyes of the people.

"The procession was formed at twelve o'clock, and marched to the University, the chief marshal with two aids and the President of the day preceding the General, Mr. Jefferson and Mr. Madison in a landau drawn by four grays. After the landau followed the General's son and suite in a carriage drawn by two horses; then the Visitors of the University, standing committees, magistrates, cavalry, junior officers, and citizens on horseback and on foot. The procession moved slowly to the University. Each man from the accuracy of his movements seemed to have been drilled for his duty. As the University came suddenly into view, a thousand of the daughters of the mountains, ranged aloft on the terraces, waved their white kerchiefs in the air. It was beautiful; his escort, the country's chivalry; his reception, its loveliness. They crowded around the eastern stretch of the University, and came to the bottom of the lawn. The procession dismounted, and was formed on foot. The first objects that struck the view were three flags floating on the Rotunda. On the largest in broad letters were the words: 'Welcome, our country's Guest.' There was a moral sublimity in the scene. On the very spot where now walked, arm in arm, a hero of the Revolution with two of its sages—a spot where the youngest scion of science had been planted by the patriarchal hand of Jefferson, his last public care—were now assembled all the beauty and chivalry of the country to bid the fathers of their country hail.

"The procession moved slowly up the Lawn to the steps of the Rotunda, the General gracefully bowing to the ladies as he passed, where Mr. William F. Gordon stood ready to receive him. As the General advanced Mr. Gordon descended the steps of the portico, and thus addressed him:

" 'General Lafayette: The citizens of Albe-

marle County again greet you as their friend and benefactor. They tender you assurances of their gratitude and veneration. They contemplate with affection the moral sublimity of the scene of your return to our country. Throughout our associated republics to you there is no enemy. We refute the calumny that men have more respect for their destroyers than for their benefactors, while with spontaneous gratitude millions of freemen resound to heaven the praises of liberty and Lafayette.

" 'The citizens of Virginia hail with a peculiar enthusiasm your arrival at this spot. It is their university, their future temple of literature and science, erected beyond the point where the flag of the invader has ever floated, a fruit of our glorious Revolution, an emanation from that mind which first declared that we were free, sovereign and independent.

" 'We associate with your being here, General, the augury of its success. We look back on the troubled night of our Revolutionary War, and thence to this institution of liberty with grateful recollections of your gallant toils in that, and with bright anticipations of your benedictions on this.

" 'Here the sons of Virginia, whilst drinking from the untroubled fountain of science, will contemplate with indescribable emotion the beauty and stability of that Corinthian pillar of reputation which you have erected. It charms the more from the solitary grandeur which it exhibits, and the waste and destruction of the social and political elements with which it has elsewhere been surrounded. For the future generations of our country we know, General, that you will unite with us in the fervent invocation that this University, erected on the hills of liberty which you have defended from the tread of the invader, may be an everlasting fire to which her votaries may look; that here may continue to blaze that bright constellation of principles which guided our

steps through an age of revolution and reformation, to which the wisdom of our sages and the blood of our heroes, mingled with that of our illustrious guest, have been devoted.

" 'For yourself, General, we sincerely pray that a life which has been so gloriously directed to the service and happiness of mankind, whose morning beam lighted the darkness of our fortunes, may be long protracted; that its evening ray may shine across the gloom and oppression of other nations, and illumine their way to liberty and safety.'

"To which the General replied:

" 'I am happy, sir, once more to receive the kind welcome of the citizens of Albemarle, and this day to receive it under the beautiful pantheon of this rising University, the advantage of which not only to this part of the United States but to the cause of mankind, so eloquently expressed by you, I rejoice to acknowledge. Nor do I in anything more cordially sympathize than in the mention you have made of the venerable friend, whom, if there were but one University in the world, the enlightened men of both hemispheres would in common elect to preside over universal information.

" 'Be pleased, sir, to accept the tribute of my respectful gratitude to you; and to you, fellow-citizens of Albemarle.'

"The dinner that took place in the upper room of the Rotunda was attended by many hundreds of persons, including several of the most illustrious citizens of the Republic. Mr. Valentine W. Southall presided, with the General first on his right, the Mr. Jefferson and Mr. Madison; and on his left G. W. Lafayette and suite."

Toasts were given, and responded to by Lafayette, Madison and Jefferson, the last named of whom, too weak to reply in person, handed to the presiding

officer, Mr. Southall, some written remarks which he read to the company.

In the following January General Lafayette returned to Richmond, where it was designed to extend him a reception commensurate with the dignity of the occasion of his visit to the capital of the Commonwealth. The plans were carried out in all their detail, and were characterized by a lavishness of municipal display and a sincerity of affection that were unexcelled, and perhaps seldom equalled, by any welcome extended him elsewhere. The streets and the public and private buildings were decorated in his honor; and his way was adorned with triumphal arches, as to a Roman conqueror.

On the 23d of January, 1825, the House of Delegates, then in annual session appointed a committee to act jointly with one of a like character from the Senate, for the purpose of taking appropriate legislative action in connection with Lafayette's visit; and Gordon was made a member of this joint committee. On the 24th of January the committee, having waited on General Lafayette at his tavern, at eleven o'clock, and delivered to him a formal address of welcome on behalf of the legislature, to which he appropriately replied, returned and reported to the the General Assembly that it would be agreeable to their distinguished visitor to be introduced to the two Houses at any hour that might be convenient to them to receive him. There can be no more graphic narrative of the deep feeling of gratitude and reverence, and of the unfeigned desire to manifest these emotions, than is illustrated in the simple and poignant record of the proceedings of this committee, as detailed on the pages of the House Journal. The committee after reciting a preamble, say:

"The Committee recommend therefore the following resolution:

"Resolved, That General Lafayette will be re-

ceived by the House of Delegates on this day at two o'clock."

The Journal thereupon continues: "The said resolution being twice read was, on the question put thereon, agreed to by the House.

"On the motion of Mr. Gordon, the following preamble and resolution being twice read, were agreed to unanimously.

" 'The General Assembly of Virginia entertaining an exalted sense of the generous devotion of General Lafayette to the freedom and happiness of mankind, and conscious that their love of liberty must ever be identified with their affection towards so distinguished a benefactor, as a testimonial of their gratitude for his gallant services and ennobling sacrifices in the cause of American liberty, Have, therefore, Resolved: That the Executive of this State cause to be prepared and presented to General Lafayette, in the name of the Commonwealth of Virginia, and in the manner which they may deem most appropriate, copies of the Declaration of Independence, of the Declaration or Bill of Rights, and the Act for establishing Religious Freedom, together with the Farewell Address of General Washington to the People of the United States.' "

In the presence of the two Houses Lafayette was addressed by the Speaker of the House of Delegates in words of welcome; and it is recorded that the distinguished visitor "made an eloquent reply." The House Journal concludes with the recitation: "The General took the seat prepared for him in the House."

Other tokens of welcome and affection followed, amid scenes of festivity and rejoicing in Richmond; and when the venerable Frenchman returned to his native land it was with a vivid and grateful sense of the generosity and hospitality with which he had

been everywhere received in the new Republic which a half century before he had helped to create.

Mr. Jefferson's Lottery Bill was an interesting feature of the legislative session following General Lafayette's visit. The often shifting and conventional significance of the moral code in the view of civilized mankind is illustrated in the different regard with which the best and wisest men then viewed many things now tabooed and prohibited. Jefferson in his old age had become impoverished, and sought the relief of the General Assembly of the State in disposing of what remained of a considerable fortune to the best advantage. He had been the possessor of two hundred thousand dollars worth of property when he left the Presidency, but the ceaseless hospitality which characterized his home-keeping at Monticello, the payment of an ante-bellum British debt, and the loss of twenty thousand dollars by endorsement for one of his friends, ruined him financially. He sold his library to Congress for $23,950, but this only served to defer for a while the final reckoning. The time was unfavorable for converting his large landed estates into money by sale; and even if this were done, an ordinary sale would have left him without property and a debtor.

He petitioned the legislature for leave to dispose of his property by lottery. By this means, he said, "I can save the house of Monticello, and a farm adjoining, to end my days in, and bury my bones. If not, I must sell house and all here, and carry my family to Bedford, where I have not even a log hut to put my head into."

The author of the "Life of Jefferson" in the "American Statesmen" series, says:

"When the proposition was broached, some opposition was threatened, and its success was not certain. Jefferson wrote, with evident humiliation: 'I perceive there are greater doubts than I appre-

hended, whether the legislature will indulge my request to them. It is a part of my mortification to perceive that I had so far over-valued myself as to have counted on it with too much confidence. 'I see,' he sadly adds, ' in the failure of this hope a deadly blast of all my peace of mind during my remaining days.' "But," continues Mr. Morse, his biographer, "he was spared a disappointment so severe. The opposition was feeble, and the authorizing bill passed both houses by very gratifying majorities."

As a matter of fact the opposition was aggressive, strong and relentless, and was based solely upon political considerations. The Federalists fought the measure with the same vindictive spirit that they manifested towards everything Jeffersonian, and as though it involved some great principle of government. Gordon, who was actively interested in its success, wrote to Mr. Jefferson on the 17th of February, 1826, from Richmond, as follows:

"Friday, 17 February, 1826.

"Dear Sir:

"I have the pleasure to inform you that the Bill in your behalf was today ordered to be engrossed by a large majority.

"It is calculated by your friends that it will pass to-morrow by a decided majority.

"The objects of the application were not at first understood by many members voting against leave to bring in the bill; and I fear the Federalists were active in preventing them.

"I believe that few will now vote against the bill except the Federal delegates, of whom there are too many. Their opposition is more than compensated by the zeal and devotion of your friends, among whom I am proud to subscribe myself as your affectionate and devoted servant,

WILLIAM F. GORDON."

On the following day the bill passed the House of Delegates under the title of "An Act authorizing Thomas Jefferson to dispose of his property by lottery," by a vote of one hundred and twenty-five to sixty-two. Immediately after its passage, proffers of assistance came from all parts of the United States; and a little more than four months later Mr. Jefferson was dead, departing under the illusion that his home and hearthstone would be saved to his children by the citizens of a grateful country.

In the next December Gordon presented in the House of Delegates the petition of Colonel Thomas Jefferson Randolph, Jefferson's grandson and executor, on behalf of several slaves who had been liberated by the latter's will, that they might be permitted to remain in the State of Virginia, the law of the Commonwealth at that time providing that manumitted slaves should be removed beyond the borders of the State; and in January thereafter the House Journal recites that "on motion of Mr. Gordon, the committee of Schools and Colleges were discharged from consideration of the petition of sundry citizens of Albemarle relative to the Bust of Thomas Jefferson, and the said petition was ordered to be referred to the select committee appointed to enquire into the propriety of erecting a monument to Thomas Jefferson, that they examine the matter thereof, and report their opinion thereupon to the House. Ordered that Mr. Gordon be added to the said committee."

These were his last tributes in the House of Delegates to the memory of the greatest of all Virginia statesmen, whose principles of government he cherished, with whose personal friendship and esteem he was honored, and with whom he co-operated modestly and unobtrusively, but none the less really and effectively, in establishing a great educational institution, the name of which, as the offspring of his genius, Jefferson provided should be inscribed upon his tombstone.

CHAPTER X

IN THE CONSTITUTIONAL CONVENTION OF TWENTY-NINE-THIRTY—THE DISTINCTION OF ITS MEMBERSHIP

In December, 1828, the movement in behalf of a Constitutional Convention in Virginia for the purpose of changing the basis of representation began to assume definite shape. Gordon was the chairman of the House Committee on Courts of Justice, and took a leading part in the discussions in the House of Delegates over the various amendments to the Constitution that were proposed for a partition of the State in order to assure a proper distribution of the delegates and senators upon a fair representative basis. But early in the session it was developed that the question had become so exciting a one as to be insusceptible of settlement by amendment; and in the latter part of January, 1829, we find him supporting and voting for a bill "to organize a convention." The proposition was submitted to the freehold electorate of the State; and the convention was called by a vote of 21,896 in its favor to 16,637 against it in the whole Commonwealth. In Albemarle the measure was hardly popular; and in a poll of 329 votes the convention was defeated by three majority.

"Andrew Jackson was inaugurated in the month of March," says Tyler, in his "Letters and Times of the Tylers," "and the next month elections occurred in Virginia for a State Convention to amend the constitution of 1776. This was, therefore, a most momentous year in the annals of Virginia. The subject of a constitution had been mooted in Virginia ever since the Revolution, but the conservatism of the State had steadily defeated the project for a

continuous period of forty-six years. The jealousies of the west, and the discontent expressed by the disfranchised non-freeholders, forced the Legislature in 1828 at length to submit the call of a convention to the people. The fact was that the changed state of society required a change in the fundamental laws. The eastern counties, whose white population consisted principally of freeholders, voted heavily against the proposition, pregnant as it was with injury to their present political influence, by threatening to increase the voting power of the West, and to abrogate the equality of the counties—each county under the old constitution, being entitled to two representatives irrespective of population."

It was a situation not unlike that which arose in England over the Reform Bill; and it is interesting to note that in the attitude of the western and mountainous part of the State, where there were few slaves, and whose inhabitants were generally men who toiled with their own hands, was visible for the first time the line of political and social demarcation, which resulted three decades later, amid the throes of war, in the dismemberment from the mother State of the present State of West Virginia. To the thoughtful observer of the period was visible in the smouldering fire of the approaching conflict a spark of local peril; for the lurid light of the slavery agitation was kindling the horizon, and the vision at home, though of a different character, was none the less ominous than that abroad. The wrong of slavery to the non-slave owning white man of the South, so powerfully appealed to in the dramatic presentation of Hinton R. Helper's "Impending Crisis" in the fifties, first showed itself in the constitutional convention movement in Virginia in 1828.

The convention contained ninety-six delegates, distributed among twenty-four districts, as indicated in the legislative act of its establishment. Each convention district chose four delegates. When the

elections were had, and the convention assembled, it appeared that the people had chosen as their representatives for the reconstruction of the basic law a body of men who were the peers of those who more than fifty years before had made the first constitution ever written on American soil, or of that later gathering of Virginians who had ratified the Federal Constitution.

"Some have held it equal to the celebrated convention which met in Virginia in the year 1788 to pass upon the Federal Constitution," wrote Mr. Ritchie in his preface to the Debates. "Much of what was venerable for years and long service; many of those who were most respected for their wisdom and their eloquence; two of the ex-Presidents of the United States; the Chief Justice of the United States; several of those who had been most distinguished in Congress or the State legislature, on the bench or at the bar, were brought together for the momentous purpose of laying anew the fundamental law of the land."

Ritchie's eulogium, pronounced in the summer following the convention's adjournment, has been more than justified by the judgment of posterity; and the veracious historian must hesitate to prefer to this organization of illustrious men even that first Continental Congress, of whose personnel Lord Chatham said "that for solidarity of reasoning, force of sagacity, and wisdom of conclusion under such a complication of difficult circumstances, no nation or body of men can stand in preference to the general Congress at Philadelphia."

The age was peculiarly one of oratory, in which the Virginians excelled; and in this amazing body were very many who in the exercise of this particular gift might rank with that galaxy of the House of Commons which, beyond the water, gathered in 1788 in the great hall of William Rufus, at Westminster,

to impeach the Governor of India at the bar of the British Peers.

The very opening scene of the convention was in the highest degree impressive. James Madison, the only survivor of that earlier convention which had formed the first constitution of the State, and one of the two living members of the convention which had formed the Constitution of the United States, now an ex-President of the Union, arose and addressed the Convention. He stated the propriety of organizing the body by the appointment of a President, and nominated his old antagonist, James Monroe, as qualified to fill the chair. Mr. Monroe, another ex-President of the United States, was unanimously elected; and was escorted to the chair by Mr. Madison and Chief Justice Marshall.

About them were gathered John Tyler, Governor, Senator and President; Littleton Waller Tazewell, one of the greatest of the Virginians of his generation, who was Governor of the Commonwealth and United States Senator; Abel P. Upshur, jurist and powerful debater, and the successor of Daniel Webster as Secretary of State; John Randolph, of Roanoke, illustrating in his extraordinary appearance and marvellous oratory the gall of genius, United States Congressman, Senator and Minister to Russia; William Branch Giles, whom Randolph likened to Charles James Fox, in the British Commons, "the most accomplished debater his country had ever seen," leader of the Republican party on the floor of the United States Senate, bitterly hated of the Federalists, and now the Governor of the Commonwealth; Philip Pendleton Barbour, Speaker of the United States House of Representatives, later president of the convention, statesman and jurist, and Associate Justice of the Supreme Court of the United States; Benjamin Watkins Leigh, orator of the highest rank, whose English diction was said to be "so clear, correct and elegant, that it might be safely committed

to print just as spoken," Doctor of Laws of William and Mary College, Reporter of the State Court of Appeals, and United States Senator; James Pleasants, Congressman, United States Senator, and Governor of the Commonwealth; Chapman Johnson, eminent lawyer and leader of the bar, the successor of Jefferson and Madison as Rector of the University of Virginia; John W. Green, distinguished jurist and Justice of the Supreme Court of Appeals of Virginia; John Y. Mason, chairman of the Foreign Affairs Committee in the United States House of Representatives, United States District and Circuit Judge, Secretary of the Navy under Tyler, and Attorney-General of the United States under Polk, President of the Virginia Constitutional Convention of 1850, and United States Minister to France; Mark Alexander, for many years a notable party leader in Southside Virginia, and a representative in Congress from John Randolph's old district; William Leigh, Randolph's friend and executor, whom he esteemed in the category of those that he trusted along with Nathaniel Macon and John Wickham; William O. Goode, legislator and statesman, Speaker of the House of Delegates, Congressman, member of the Constitutional Convention of 1850, democratic exponent of the doctrine of gradual emancipation; Charles Fenton Mercer, soldier and statesman, president of the Chesapeake & Ohio Canal, Federalist Congressman during an unexampled period of service among his contemporaries, the earnest advocative of a protective tariff, and an opponent of slavery; John S. Barbour, able debater, eloquent defender of freehold suffrage in the convention, four times elected Congressman, and a distinguished member of the family of which James Barbour and Philip Pendleton Barbour were then the most illustrious representatives; Alexander Campbell, scholar and theologian, and one of the most intellectual and forceful leaders of men in his day;

George Loyall, zealous anti-tariff man and party leader, and prominent in Congress during Jackson's administration; and others, who if less widely known then or subsequently in the field of national politics and statesmanship, stood for all that was loftiest and best in the contemporary life of the Commonwealth, and included on their bede-roll such well-remembered names as those of Briscoe G. Baldwin, Richard N. Venable, David Watson, Robert Stanard, William Henry Fitzhugh, John Roane, Richard Morris, Lewis Summers, John Scott, George C. Dromgoole, Joseph Prentis, Archibald Stuart, Thomas R. Joynes and Thomas M. Bayley. With scarcely an exception those of this remarkable aggregation of ninety-six Virginians who had not already, or did not later achieve a civic reputation, were distinguished and highly esteemed both in their own communities, and in the State at large for their virtue and wisdom as citizens and forceful men of affairs.

The convention constituted a galaxy of statesmanship, of oratorical and forensic ability and display, of judicial learning and of experienced political training, that is worthy of the pen of the most gifted historian;—the detailed circumstance of which in this narrative would be, even otherwise, rendered superfluous by the noble story of the convention by one of its youngest, though not least talented members, the scholarly and accomplished Hugh Blair Grigsby, historian of the two earlier conventions of Virginia, and Chancellor of the ancient and venerable college of William and Mary.

The delegates from the district composed of the counties of Albemarle, Amherst, Nelson, Fluvanna and Goochland were William Fitzhugh Gordon of Albemarle, James Pleasants of Goochland, Lucas P. Thompson of Amherst, and Thomas Massie, Jr., of Nelson.

Governor Pleasants was a man of eminent ability

and of large political experience and distinction. His career has been sketched in a former chapter.

Lucas P. Thompson, one of the younger men of the convention, achieved later a position second to that of none of the many great nisi-prius judges of his generation in the State, by his administration through a long series of years of the duties of a judge of the Circuit Court; and though the fame of even the most prominent and the ablest judges of the lower courts is apt to fade from the memories of the succeeding generations, Judge Thompson's personality was so distinctively marked that the story of his wisdom and justice still lingers even among the laymen of the circuit over which he so long and ably presided.

Thomas Massie, Jr., the fourth member from the Albemarle district, had the local reputation for ability and high character which adorned all the members of the convention whose civic achievements were less conspicuous than those of its leaders; and was a member of a family that has long been influential and prominent in the Piedmont section of the State.

The convention met in the hall of the House of Delegates in Richmond, in the northern end of the beautiful and symmetrical State Capitol, which, like so much else of value and charm in Virginia, was the product of Jefferson's genius. The building was the reproduction of the classic Cathedral at Nismes in France, which had caught his eye and delighted his cultivated taste during his residence abroad; and of which, with a persistent view to the application of Old World ideals to the conditions of his developing young republic, he had brought home with him the architectural scheme and plan.

The first session of the Convention of 1829-30 occurred on the 5th day of October, 1829. Its meeting-place had been the scene of the most of Gordon's public labors, and of no few of his forensic

triumphs; and with that sense of accustomedness which makes men put forth their best efforts amid familiar scenes, he felt himself ready, upon occasion, to do battle, even with the intellectual giants about him, upon the great question which the body had been convened to determine. But nearly a month of its session elapsed before he entered the debate, in an impressive argument in behalf of the white basis.

The representatives from the western part of the State, where, as has been related, the slave population was sparse, and the aristocratic influence descending from a colonial line of river-barons did not prevail, maintained the proposition that all representation should be based on the white population. The contention of the members from the eastern and older section of the State was that representation in the two houses of the General Assembly should be fixed with reference to the property of the people of Virginia in slaves. Randolph of Roanoke, who had bitterly opposed the calling of the convention, saw in its assembling and in the proposition of the white basis an approaching evolution of social chaos. There was no man of the earlier generation, save Mr. Jefferson, for whose patriotic and intelligent conception of the organization, under the Federal Constitution, of our dual form of government, Gordon had a higher admiration than for Randolph's; and when he entered the convention as an advocate of the white basis, it was not without grave apprehension that he might, sooner or later, become the target of Randolph's attack. He was accustomed, however, to say in later life, with much pleasure, that Randolph's attitude toward him was one, not only of unvarying courtesy and kindness, but even of proffered friendship; and that the poisoned tongue which lashed Alexander Campbell and Chapman Johnson, and others in the excited sessions, had always generously spared him.

Niles, in his *Register,* under date of October 24, 1829, said:

"There are 95,593 persons charged with State tax on movable property in the State of Virginia, all of whom have been taxed, without being represented because of such taxation. The inequality of the present mode of electing delegates to the General Assembly may be well esteemed from the table showing the taxables in each county. Many of the counties, and especially those in the Valley, or westward, contain 500 to 2,000 taxables while many in the eastern part of the State, having the same power of representation, have less than 400 taxables;—one, Warwick, only 126. We have mentioned that the business of the convention was parcelled out to different committees. That on the legislative department decided on the 16th inst. that white population was the proper basis for representation in the House of Delegates. The vote in the committee stood thus: *For the resolution,* Wm. Anderson, Chapman Johnson, Andrew Bierne, James Madison, Charles Fenton Mercer, John R. Cooke, Philip C. Pendleton, John B. George, Henley Chapman, Lewis Summers, Philip Doddridge, Wm. Campbell of Bedford, and James Pleasants, 13. "*Against it,* Benjamin Watkins Leigh, Wm. H. Broadnax, John Tyler, John Y. Mason, John Randolph, John Roane, John W. Green, Littleton Waller Tazewell, George Townes, John Taliaferro, Thos. R. Joynes, 11.

"The vote in committee, however, was 12 against 12, on the proposition to make the white population the basis also of representation in the Senate, Mr. Madison voting with the minority on the other question. It is intimated that the proposition to elect the Senate according to federal numbers (by which 5 slaves are counted as 3 white persons) will be offered by way of compromise between the parties in the convention, which already begin to show a great deal of feeling,—the west not yet disposed to

concede as to the Senate, and the east resisting the proposition even as to the House of Delegates.

"It is stated that 48 of the members may be counted as firm friends of representation according to white population."

"A. P. Upshur," says Tyler, "was the Ajax Telamon of the principle favored by the eastern people, that property should be made one of the factors in the constitution of the two houses. His speech is certainly one of the most singular specimens of ingenuity and reason ever put together. A mere majority rule, he said, was based on no *a-priori* principle, but the expediency of society was the single criterion. A system of checks and balances had been found necessary in all civilized communities, and while the equality of county representation could not be maintained, due regard should be had to the slave interest of the east."

The feeling indicated by Niles, in his *Register,* between the representatives of the two sections, was strong from the beginning; but the fires of discord did not blaze out until some time after the convention had met. Gordon was an optimist, ever buoyant and hopeful; and dreamed that the question of the basis might be settled amicably. On the 26th of October he said in a letter to his wife: "Our convention matters have hitherto progressed with as much temperateness and good humor as the nature of our discussions would admit; and I hope we shall have no disagreeable excitement." But the excitement came. Randolph of Roanoke discussed "ghosts" with Chapman Johnson; and spoke of the seat filled by another advocate of the white basis who on the day before had been sworn in as the successor of a member who had died, as "a seat now vacant." The situation grew tenser, as the debate on the basis continued. The populace and the newspapers vied with each other in assuming partisan attitudes. Niles, in his

Register of October 31, advocating the white basis with the sneering and characteristic contempt of an incipient abolitionist, said that if it should be adopted "the old families, as they were called,—persons much partaking of the character of the old nobility of France, imbecile and incorrigible, will pass away;—and a healthful and happy, bold and intelligent middle class rise up, to sweeten and invigorate society, by rendering labor honorable; and 'Richmond' will not any longer be all Virginia, as a distinguished gentleman used to proclaim that it was in matters of politics or policy. The moral effects of these things over the slave population of Virginia, and in the adjacent States, are hardly to be calculated. The presence of numerous slaves is incompatible with that of a numerous free population; and it is shown that the labor of the latter in all the important operations of agriculture or the arts, except the cultivation of cotton, sugar, tobacco and rice (as at present carried on) is the cheapest and the best. And in truth, it would not be straining the facts too far to express an opinion, that the greatest question before the Virginia Convention is the perpetual duration of negro slavery, or the increase of a generous and free white population."

Like Banquo's ghost, the slavery spectre was beginning to haunt the premises of the minds of men, and would not down. Its appearance in the debates of the convention, by the very terms of the situation, was inevitable; but the members put away from themselves, with general accord, the vision of "the greatest question," suggested by the outsider, Niles.

Gordon, himself a large slave-holder, and an aristocrat by descent as by family ties and social associations, was nevertheless profoundly antagonistic to that view of republican government which considered property as one of its corner-stones. He presented with great force and steady persistence the white basis as the true and philosophic solution of the

vexed question, until he discovered that the differences of the two parties had become embittered and their antagonisms relentless; and that unless they were reconciled the convention would be disrupted in a cataclysm of final disagreement. He thereupon set himself to work, with an industry and an absence of personal prejudice which were essential to the accomplishment of his purpose, to the task of devising a practical compromise scheme which should so evenly adjust and balance the representative power of the two factions as to induce its ultimate acceptance by both.

The task was a most difficult one. The situation, in all its grave significance, had already attracted the attention of the whole country; and the partisans of the two factions came from other States to listen to the great debates, and to applaud the one side or the other, where the convention was almost exactly divided, and a vote or two might mean victory or defeat.

"If it be settled on the basis of white population only," wrote a South Carolinian correspondent, from Richmond, to one of the Charleston papers, under date of November 21, "Virginia will proclaim to the Union tnat slavery ought to be expelled as one of the elements of the basis of representation; that according to the principles of her constitution it ought to be expelled as an element in the basis of representation in the Federal Government. Are not the Southern States interested in this proclamation? Does it not deeply affect them?

"The great matters in agitation here," continued this writer, "make me forget the talent and eloquence displayed on the arena. They are extraordinary. From all parts of this State, and from many of the other States, people are daily flocking here in vast multitudes. Men and women crowd the hall and gallery of the convention, as at some vast show or theatre. All feel a deep interest in the matters of

debate; and the discussions are not only in the convention, but in the boarding-houses, taverns, shops, public streets and market-places.

"Northern doctrines are working here more than is seen or acknowledged. Vehement and eloquent harangues are daily delivered in the convention. Temper has heretofore maintained her uncertain empire, but many symptoms portend stormy debates. What will be the issue no one can tell. I fear the worst, and hardly permit myself to hope for the best. I cannot tire you with portraits of splendid and great individuals. I merely drop you a hint of some views of a general nature as they have struck me, and as they affect our beloved South Carolina."

The two factions were so equally matched in numbers, that for a long time it seemed difficult, if not impossible, to get a majority for any scheme of settlement. Neither was disposed to yield to the other on any point; and the good temper which Gordon had chronicled in the earlier days of the convention was beginning to disappear as the question of "the basis" continued to be discussed. Five propositions for a compromise between those supporting the white basis, and those who maintained the representation of the slave-interests, were brought forward. They were formulated and offered respectively by Mr. John R. Cooke of Frederick County, Mr. Abel P. Upshur of Northampton County, Chief Justice Marshall, Mr. Benjamin Watkins Leigh, and William Fitzhugh Gordon. Each of these plans of compromise was organized on the theory of the provision in the United States Constitution with reference to slave-representation, namely a three-fifths representation for the slave population; but this theory of the application of the Federal numbers occurred only in respect to the House of Delegates. The representation in the State Senate was left in each instance to be determined on the basis of the white population. The distribution of representatives in House and

Senate among the several sections of the State was the crucial point about which discussion raged and difficulty presented itself. The white population of one section feared the influence and power of the slave-owners of the other section; who, on their side, demanded for property that consideration and place in government which it has always finally succeeded in obtaining for itself. The student of skilled dialectics and forensic debate can find nowhere a more brilliant illustration of the power of the human mind to conceive, and the capacity of language to present the reasoning of intellect with intellect than in the great debates over these several schemes upon the floor of the convention.

The respective authors of the compromise plans were all men of unusual individuality, and large public experience. John Rogers Cooke, of a family that on its literary side has since been very prominent, was born in Bermuda in 1788. He had practised law with distinction and success for many years, and had been counsel in a number of important cases in the higher courts of the Commonwealth. He had served as a soldier and officer in the military command that marched from the lower Shenandoah Valley in 1807, when the *Chesapeake* was fired on; and he had legislative experience as a delegate in the General Assembly of Virginia. He brought to the discharge of his duties in the convention a vigorous and penetrating intellect, a wide and critical knowledge of men, and a deportment of lofty and generous courtesy that exalted his dignity and delighted his acquaintances. A lasting popular reputation, however, is seldom the heritage left by the ablest lawyer or legislator, unless accompanied by other achievement; and that of John Rogers Cooke, as worthy as it was to survive, has been largely forgotten by the public in comparison with the fame which was won for his son, Philip Pendleton Cooke, by his poems, or for his other son, John Esten Cooke, by his stories

and romances of Virginia; and "Florence Vane" and "Surry of Eagle's Nest" will be remembered long after all others than the student and the historian shall have ceased to read the great debates in the Virginia Convention of 1829-30.

Of Abel P. Upshur it may be truthfully affirmed that Tyler's characterization of him as the Ajax Telamon of his side of the debate was well deserved. He was endowed with a powerful mind, a large measure of restless energy, a gift of speech which was conspicuous even in that assembly, and a legal training and experience that had brought him a judgeship of the General Court three years prior to the assembling of the Convention—a position to which he returned with the convention's close. He was an ardent advocate of the slave-basis, and belonged to the extreme pro-slavery and State-Rights school of politics. The reputation which he made in the convention was but the precursor of that which came to him later, when in 1843, upon the resignation of Mr. Webster as Secretary of State, Upshur was called by President Tyler to fill that office. He perished in the vigor of intellectual power and splendid manhood by the accident on the ill-fated *Princeton*.

Howe, in his "Virginia Historical Collections," says: "Judge Marshall, whenever he spoke, which was seldom and for only a short time, attracted great attention. His appearance was Revolutionary and patriarchal. Tall, in a long surtout of blue, with a face of genius and an eye of fire, his mind possessed the rare faculty of condensation; he distilled his argument down to its essence."

Marshall sympathized and acted with the upholders of the property or slave-basis; but always in the judicial spirit. It was in recognition and deprecation of the inharmonious drift of debate, and to allay the ever-rising tide of passion, that he offered his compromise measure. He was at this time seventy-

five years old; and his participation in the sessions of the convention constituted his last public political service.

One of the five compromises offered was that by Benjamin Watkins Leigh. Leigh was a lawyer of great ability and a statesman of the first rank. While a member of the General Assembly of Virginia he had offered in that body a series of resolutions asserting the right of the legislature to instruct the Senators of Virginia in the United States Senate. He was one of the commissioners who had prepared the Revised Code of the State; and he had been its Supreme Court reporter. He became, after his service in the convention, the successor of Mr. Rives in the Senate; and resigned after two years, because he could not in conscience obey the instructions given him by the Virginia legislature, whose right to instruct he recognized. Governor Henry A. Wise says of Mr. Leigh, in his "Seven Decades of the Union," in describing his speech on Benton's expunging resolution in the United States Senate:

"As a constitutional and civil lawyer, as a historian, as a logician, as a patriot jealous of power and sensitive to any encroachment upon limitations guarding the rights of legislation and the freedom of resolutions and laws, as well as of debate, and as a scholar and rhetorician no man compared with Mr. Leigh in the argument on the topic of the expunction. He was a purist in his Anglo-Saxon, and his speech was in its style equal to that of the Elizabethan age of English literature, not surpassed by the 'well of English' of Dean Swift."

Gordon has left a vivid pen-picture of him in a letter from Richmond written in 1823:

"I heard Mr. Benjamin W. Leigh before the senate yesterday on the subject of his mission to Ken-

tucky. He is one of the most impressive and sensible public speakers I have heard, although he has not fulfilled my expectation as an eloquent one. His voice is very clear and distinct, but incapable of a swelling note, if I may so say. His manner is natural and ardent; his enunciation perfectly distinct, without the intonation of a pathetic speaker; and yet he seems to feel sensibly himself everything he utters. His person is a very fine one for a man below the ordinary size. Indeed the symmetry of his form indicates the agility and strength of his intellectual faculties, whilst his face is a fine subject for Lavater's most favorable speculations. The head is large and well shaped, the forehead high and full, though not prominent, running almost to the top of his head; his hair raven black, and curls in loose ringlets. The eye, not indeed like that of Shakespeare's poet, 'in a fine frenzy rolling,' but black, rather small, keen, penetrating, emitting a sprightly and intellectual ray, as it glances with rapidity at everything about him. The nose, cheeks, mouth and chin all unite to form a fine and handsome face. His manner in public indicates the confidence and composure of conscious ability, without either arrogance or vanity."

With the five plans of settlement on a compromise basis before it, the debates in the convention continued to rage with unabated vigor, and undiminished feeling.

"This convention question," wrote Gordon to his wife on December 18, 1829, "has taken such a turn from the commencement of our deliberations,—so much bad temper has been exhibited,—that I have felt unhappy since its beginning. My mind has been absorbed. It seemed at one time that the safety of the State was jeoparded by the bad temper of a few individuals. I think now we shall make a constitution. The proposition which I offered long since, and which I then knew was the only one that could combine a majority of the convention, passed yester-

day evening by a small majority, but I think will ultimately get the vote of the whole convention. After we shall be worried with several other propositions, I think now ten days will close our labors."

On Saturday, December 19, 1829, the record of the Debates states: "The final question was now, at length, put on agreeing to Mr. Gordon's compromise, and decided in the affirmative by ayes and noes as follows"; and the names of those voting are given, showing a majority of fourteen.

"The question as to the basis of representation," says Niles's *Register* of the week following, "seems finally settled by the passage of the following resolutions, being Mr. Gordon's substitute for Mr. Upshur's amendment: 'Resolved, that the representation in the Senate and House of Delegates of Virginia, shall be apportioned as follows: There shall be 13 senators west of the Blue Ridge Mountains, and 19 east of those mountains. There shall be in the House of Delegates, 127 members, of whom 29 shall be elected from the district west of the Allegheny Mountains, 24 from the Valley between the Allegheny and Blue Ridge, 40 from the Blue Ridge to the head of tidewater, and 34 thence below.'

"Previous to the passage of Mr. Gordon's resolutions," continues Niles, "Mr. Doddridge's amendment, offering to fix the white basis for the House of Delegates, and the federal numbers for the Senate, was lost by a tie, 48 to 48, Mr. Madison voting aye, and Mr. Marshall no. Several of those who had been calculated on as generally supporting the white basis, assigned their reasons for supporting Mr. Gordon's resolutions. Among these were Mr. Henderson from Loudoun and Mr. Cooke from Frederick."

A later paragraph vindicates the anticipation expressed by Gordon in his letter above. "Mr. Upshur's resolutions," says the *Register,* "were set aside to make room for Mr. Gordon's by the unanimous vote of the Convention, except Mr. Madison."

CHAPTER XI

IN THE CONSTITUTIONAL CONVENTION OF TWENTY-NINE-THIRTY—ADVOCACY OF THE WHITE BASIS—RANDOLPH OF ROANOKE.

Gordon's attitude towards the question of the basis was illustrative of the temperament of the real statesman. Although his county of Albemarle had voted against the convention by a majority of three, he had been pronounced in the canvass for election in his advocacy of the white basis. He had supported his views in the body itself with persistence and courage in debate; and it was only when he perceived the growing danger of its disruption as the differences of opinion grew wider, that he gave his energies and abilities to discovering a solution of the vexed question that should be at once equitable and acceptable.

His first speech in the debate, which had been participated in at length by Mr. Cooke, Mr. Green, Judge Upshur, Mr. B. W. Leigh, Mr. Scott, of Fauquier, Mr. Brooke, Mr. Doddridge, Mr. Philip Pendleton Barbour, and others, was made after the convention had been in session nearly a month. It was a stalwart presentation of the claims of those who advocated the white basis, and of opposition to the view of those who supported the cause of a government founded upon wealth.

"An attempt is now made," he said, "in the modification of this constitution to infuse into it a new principle, unheard of till now, (so far, at least, as my knowledge extends), in any free government; a principle which is at war with every notion we, as Americans, have been taught to hold sacred, and which goes to make the elective power quadrate with wealth. The design is, in effect, either to make

slaves constituents to the legislature, or to make the tax paid on them an ingredient in legislative power. To both these propositions I have strong objections. Sir, the plan will be utterly unavailing to the object its advocates seek to accomplish by it. If the consequences, which are to flow from granting us an equality of rights, are really such as they apprehend, this scheme will never operate to prevent the evil

* * * Property, sir, in any just scheme of representation, is not to be regarded but as claiming the protection of the society. It is in aristocracy that the argument is urged which insists on giving it a political power as possessed by individuals. When you admit that, you make a House of Lords; you give the rich man a power which he could not claim in the government without the influence of his wealth. But gentlemen propose to give this influence to property, not as property in the hands of individuals, but as lying in certain sections and subdivisions of the State. And does this better the matter? Not in principle, for the principle remains the same; not in practice, for there its only effect can be, and is, to produce heart-burnings and jealousies of section against section, which is even worse than of man against man. Because one portion of the State has fewer slaves than the residue, will you make your basis of representation rest upon that sort of property, of all others the most objectionable? What must be the effect of such a policy? It must, it will produce discontent everywhere, save only among the slave-holders themselves.

"Sir, I thought it unwise, and I feel that it is most unpleasant, to bring this subject into the discussion. I tried to prevent it last winter in the legislature; but it is forced upon us, and we must meet it; the gentlemen will not let us avoid it.

"I ask what good would it do to Virginia, were we to admit representation on the basis of the whole slave population?"

In this speech, which, as reported in full, presents an array of facts, figures and deductive arguments, covering eight of the closely printed and fine-typed pages of Ritchie's edition of the "Debates," he ranks with the strongest of those who espoused the cause of the white basis in the discussion. It was small wonder, therefore that some of those, whose partisanship exceeded their patriotism, fiercely resented his abandonment of the white basis, when he perceived the impossibility of its success; or that this resentment should have burned brightest in the breeze of his successful achievement of the compromise. Upon a motion made by Mr. Cooke, to provide for a reapportionment of representation every ten years after the adoption of Gordon's scheme of "the mixed basis," one of these stalwarts flamed into anger at the latter's support of the motion. He rose, he said, "to congratulate the gentlemen from Albemarle on his happy disposition, which enabled him with such perfect ease to change his sentiments to suit every new posture of affairs. When that gentleman had first appeared in the convention, nothing would suit him but a basis of free white population; the gentleman would not so much as listen to anything but the white basis. Now he was most anxiously engaged in guarding the slave-holding portion of the State. The gentleman's one and only object seemed to be to guard his own proposition; and he turned for or against any measure proposed, just as it threatened to affect that proposition. He had risen," he continued, "expressly with a view to congratulate the gentleman, which he did most heartily, on this happy disposition."

The member making this thrust was not one of the more prominent men of the body, as may be imagined from the character of the taunt itself. But coming from any source, such a gibe was naturally irritating to a man of Gordon's sensitiveness and lofty ideals of honor and of character. He was a

large slave-owner, himself; and most of those, with whom he came in closest personal and social contact, were slave-owners, and believers in slavery as an institution upon which society, by circumstance, had come in Virginia to be cornered and established. Yet he had not hesitated to espouse the cause of the white basis as affording, in his belief, the truest foundation for legislative representation in the Commonwealth. Thoroughly imbued with this sentiment, he had nevertheless, without hesitation, pitched it overboard in the passionate storm of protracted and violent debate, as unavailable; and conceived that in so doing he was performing his highest duty to society and to the State. His reply to the assault upon him was as dignified and good-tempered, as it was conclusive. He said "that he utterly denied and repudiated the unfounded imputation of the gentleman from Tazewell. He had changed none of the opinions that he had brought with him to that convention in relation to the proper and just basis of representation. He had contended from the first, and he had never retracted the position, that white population was the true basis. He still held that sentiment. He wished it had been in his power to congratulate the gentleman from Tazewell on his disposition for conciliation and compromise. For his own part, he did not profess or desire an incapacity to receive light from argument, especially argument so able as was much that had been heard in that assembly. He never had considered wisdom to consist in a dogged obstinacy, that persevered against every consideration of policy and all the force of reason. The gentleman's charge gave him little concern; his 'withers were unwring'; nor should he have felt the gibe at all, save in the unkind spirit which it betrayed."

"The wise and conciliatory terms for compromising the formidable disputes which had grown out of the basis question," says one of Chief Justice Marshall's biographers, in commenting upon the work of

the convention, "led to a better temper in the convention, and powerfully conduced to the acceptance of the form of settlement which was finally adopted, and incorporated into the new constitution."

Other questions than that of the basis of representation engaged the final days of the assemblage, among them being those of the extension of the right of suffrage, the eligibility of government officials by popular vote, the reform of the judiciary system of the State and the anti-duelling statute; and the reports of the debates show that Gordon took an interested and more or less prominent part in the discussion of all these important matters.

The debate, and final attitude of the body upon the question of duelling is interesting, as tending to show that in spite of the support which "the code" then received at the hands of society, some of the wisest and most conservative minds among the Virginians of the period were opposed to it. The debate arose upon the motion to legitimize the already existing act of the General Assembly, passed in 1810, which provided for the disfranchisement and disqualification to hold office, of any citizen of the Commonwealth participating in a duel, by conferring the express power upon the legislature to enact such a law under constitutional ordinance. The proposition excited the wrath of John Randolph of Roanoke, apparently to as great an extent as had that of the white basis.

"Mr. Randolph," wrote a newspaper correspondent in the earlier days of the convention, "is here as well as elsewhere, an object of great curiosity. His health is better than it has been or some time past; and amongst his friends he indulges, as heretofore, in a great deal of pleasantry and sarcasm. He declares his determination to take no part in the proceedings of the convention, and takes his seat every day at the back of the president's chair, entirely out of the range of the speakers; unable, however, to

contain himself entirely, he is every now and then heard in a shrill undertone, either prompting and encouraging his friends, or criticizing his opponents. He is annoyed by the numberless visitors of both sexes that crowd the lobby, the gallery and the vacant seats of the hall; and no little merriment was excited the other day, when his voice was heard amid the crowd at the door, exclaiming: 'Mr. Sergeant, I'll thank you to put me into the convention!' He is very violent on the subject now before the house, and avows that if the white basis prevails, the State must be severed, and the Southside have a government of its own. And what he says, sometimes in jest and sometimes in irritation, others, I am sorry to say, too often utter in a much less venial spirit."

A curious instance of this "prompting and encouraging his friends" by Mr. Randolph appears in the report of the debates on the basis. During a speech of Mr. Morris, of Hanover, against the white basis, he said: "Suppose, to quiet our discontents, Great Britain had offered to allow us to be represented, to how many delegates should we have been entitled? Let me see: There were the two Adamses and Hancock and Franklin and Lee and Henry and the Rutledges. Why, sir, upon the principle contended for by gentlemen, we could not have been authorized to have more than twenty or twenty-five of them; thirty perhaps." At this point the official reporter interposes in parentheses the unexpected and startling comment: "Here a shrill and very peculiar voice was heard to say: 'Less than the county of Wilts!'" It was John Randolph from his seat behind the president's chair. He did not, however, long confine himself to this attitude towards the convention, but was soon actively participating in the debates. In the discussion of the anti-duelling resolution, Mr. Randolph said that he verily believed the anti-duelling act to be in utter subversion of every fundamental principle of free government; and fol-

lowed up his proposition with an ingenious argument that a recognition of the right of the legislature to disfranchise for one description of offense, carried with it the implication of a similar power to interpose in the same manner on any other behalf; and he applied the practical use of the power to the anti-slavery agitation then arising, that had lent no small fuel to the smouldering fire of feeling in the debate on the basis.

"Mr. President," he said, "it has been my misfortune to have lived in an age of fanaticism and cant. And I would go to the uttermost ends of the earth to find a refuge, if there be one, from this spirit of fanaticism and the spirit of cant. Sir, why not at once embody the entire decalogue? Aye, and the whole Bible—old and new Testaments—and a system of philosophy into the bargain,—and gulp down the whole at one oath? The power is the same. The principle is the same. Sir, do you not believe, —nay, do you not know,—that there are persons in this assembly who believe in their consciences that to hold a human being in bondage is a crime of the blackest dye, not a whit inferior to murder itself? This spirit of fanaticism is spreading, and it is one of the strongest feelings that exists among men when once it gets the upper hand. Suppose it should choose to prescribe an oath that a man never had held and never would hold a human being in bondage, and this on pain of disqualification from all offices under the Commonwealth? Is not that an offence as much in the teeth of the Bill of Rights, and of the great and sweeping principles it lays down as to all men being by nature equally free? Then, conceive to yourself a Wilberforce, or a Master Stephen, setting forth before the House of Burgesses the horrors of this oppressive, this unjust, this nefarious, this bloody, this cruel, this anti-Christian practice of holding men and women in bondage. Sir, no matter to what point it blows, this tornado of

fanaticism sweeps all before it. Mr. President, was there ever a constitution on earth that gave the legislature power to punish particular offenses in a particular manner? Is it not an anomaly? Was such a thing ever heard of in any nation, civilized or uncivilized? In Christendom or Heathenesse? Leave this whole matter where it is. Sir, I am not so much surprised at seeing some men taking this course. But when I see men for whose character I feel the most profound respect, lending themselves to a particular purpose, at the expense of the great fundamental principles of free government, what am I to think? Sir, the convention have no right to put any such clause into the constitution. As was very truly observed, they have the power to do it; but they have not the right nor the shadow of right. The traitor, who has plotted the reintroduction of the Tarquins into the Capitol,—*he* is not pronounced unpardonable; you do not offer to him an oath that he has never plotted to overturn your government; he is not to be put to the torture by an oath; but your oath is in the very spirit of the Spanish Inquisition,—it puts the man of virtue only to the torture, and passes over the ruffian and assassin. It offers a premium for cowardice—a premium for falsehood—a premium for servility—a premium for slander—a premium for all that is base and abject in human character.

"Sir, I have no hesitation in saying with the gentlemen from Chesterfield (Mr. Benjamin Watkins Leigh), that place a man's honor in one scale, and all the offices in the gift of King or Kaiser in the other, and a man of honor would spurn them all in comparison with his violated feelings and his violated reputation. Never was there such a test attempted under the sun—never, at least, in any government that arrogated to itself the character of a free republic. This is the entering wedge. Admit

the principle, and you may go on allowing one party to proscribe the other, until at length both the great parties in your State will find themselves out of the pale of the constitution. Sir, I have nothing more to say. If the people are disposed to submit to tyrannical laws imposed on them by their own legislature, let them do it."

Randolph had been the Republican leader in Congress, and chairman of the Ways and Means Committee, three decades before. He had been elected to the United States Senate to fill a vacancy; and he was famous as an orator throughout the English-speaking world. At the time of the convention, whose calling he had opposed, he was infirm of body, and frail in health. But the fires of his genius burned unabated; and his speeches in the debates glowed and scintillated with the sarcasm and satire and invective which charmed his friends and paralyzed his enemies. Mr. Grigsby, in his "Discourse on Littleton Waller Tazewell," speaks of Randolph as "that wonderful man whose train was always tracked by fire;" and tells with keen zest of how Tazewell, who greatly admired Randolph's style of speaking, which was in such strong contrast to his own, would "listen to his speeches with the relish of a schoolboy, rubbing his hands and laughing heartily as the orator went along."

Randolph's hostility to the convention and its work did not cease even with its adjournment. He went back to his district, and made a speech giving an account of his stewardship, advising the people to vote against the constitution as amended. He said that it was a trick of the convention to submit its ratification or rejection to the vote of the people.

"Who called the convention?" he asked. "The freeholders! Who had the right to say whether the work was done according to their wishes but those who ordered it? No one! The non-freeholders, according to all the rules of legitimate in-

duction, had no more right to vote on that question than the people of Hayti."

In the progress of the debate on the anti-duelling oath Gordon observed that "during the time he had been in the legislature, he had never heard the question started as to the constitutionality of the statute, but only as to that part of it which applied to members of the assembly, and which went to add another qualification to membership beyond those which the Constitution laid down."

Philip Doddridge, one of the acutest and ablest intellects in the body, took issue with the statement. He said that "he had heard some of the ablest arguments he ever had heard in the Assembly in support of the idea which the gentleman from Albemarle said he had never heard broached there. He had been present on two different occasions when an application had been made for pardon, and he had resisted both applications with a firm determination, if possible, to cause the statute to re-act on public opinion. He had voted with a heavy heart. He had heard the argument the gentleman from Albemarle said he had never heard, and that from able lips in the case referred to by the gentleman from Chesterfield. He should consider it a blessing to have all doubts of a constitutional kind removed from the act, and to see the law and public opinion moving harmoniously together."

Gordon reiterated his statement that he had never heard the opinion advanced in the legislature that the anti-duelling act was unconstitutional in its application to officers of the Commonwealth other than members of the General Assembly; and was sustained in his proposition by Mr. Morris of Hanover and by Mr. Benjamin Watkins Leigh, who had been his colleagues in the House of Delegates. Mr. Stuart of Patrick, the mover of the resolution in regard to the anti-duelling act, expressed his opinion that duelling was a pernicious and barbar-

ous practice, and ought to be suppressed. Mr. Wilson of Monongalia characterized it as an odious practice that ought to be put down. Mr. McCoy thought that the law of the land would never remedy the evil unless public opinion went with the law. Mr. Campbell of Brooke, denounced it as one of the most barbarous crimes of the age; and so the debate raged, with contrariety and diversity of opinion. But Randolph's characteristic speech failed of its purpose; and the resolution was adopted by a vote of 71 to 22, Gordon voting with the majority.

The statute, thus constitutionally legitimized, continues to exist to the present day; but the fact that it was not then founded upon public opinion prevailed to cause legislature after legislature to make it a practical nullity through relieving of the disabilities imposed by it successive duellists, until public opinion itself changed, and the law became finally as effective as unnecessary, because of the sentiment against "the code." Its history affords a striking illustration of the truth of Randolph's assertion that morality is not brought about by legislation, and that men cannot be made good by statutes.

The question of the judiciary engaged the ablest talents of the body in its discussion; and it was during this debate that Marshall declared: "I have always thought, from my earliest youth until now, that the greatest scourge an angry heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary." Mr. Grigsby, in his "Discourse on Tazewell," speaks of the pre-eminence of Mr. Tazewell in that debate, even in comparison with the ablest lawyers of the body. "But the occasion," he says, "which impressed me most deeply with a sense of his abilities, was a discussion on the tenure of the judicial office, in which Chief Justice Marshall, Philip P. Barbour, Stanard, Scott, Giles, and others, took part. Each speaker was conscious of the powers of his opponent; pos-

terity, in the presence of the skilful reporter, as well as the existing generation represented by some of the ablest men, were the spectators of the combat; and a visible air of solemnity pervaded the manner of each. The question was precisely that which sprung from the repeal of the judiciary act of 1800 by the Congress of 1802, and is the nicest of all our party questions. It was a magnificent display of parlimentary tact and intellectual vigor; and I do not think that an hour of my life ever glided so insensibly away as while I listened to that debate. Blows fell fast and heavy. I saw Judge Barbour, who though president of the convention, as the house was in committee, engaged in the debate, fairly reel in his seat from one of Judge Marshall's massy blows, which he returned presently with right good will; but Tazewell, if I may use a figure which presented the pith of the argument of one side, and which was frequently used by both,—Tazewell fairly 'sunk the boat' under the Chief Justice. The views of Tazewell prevailed; and in such a contest, where all were kingly, and in which the combatants were *magis pares quam similes*—rather equals than alike—if the victor's wreath could with propriety be awarded to a single individual, I do not think I err in saying that it would have been assigned by a majority of the hearers to Tazewell. As an illustration of the effect of his manner and argument on the minds of able men who were opposed to him in State politics, which then raged fiercely, a gentleman from the West, who held for several years a seat in the House of Delegates and in the Council, speaking of the debate to me on the day it occurred, said: 'Why, Tazewell trod down those great men as if they had been children.' "

The convention adjourned on the 15th day of January, 1830; and the constitution, which was submitted for adoption or rejection to a vote of the people, was ratified and adopted by a conclusive majority.

CHAPTER XII

ELECTED TO CONGRESS—PERSONNEL OF THE VIRGINIA MEMBERS—THE WHIG PARTY—THE JEFFERSON BIRTHDAY DINNER

Prior to his election to the Constitutional Convention of Virginia, which assembled in Richmond in the autumn of 1829, Gordon, while still a member of the House of Delegates, had been elected to the 21st Congress of the United States from the district composed of the counties of Albemarle, Amherst, Nelson, Fluvanna and Goochland.

Among his colleagues from Virginia were the Speaker, Andrew Stevenson, William S. Archer, John S. Barbour, Philip Pendleton Barbour, and Philip Doddridge. The Senators from Virginia were worthy of their great predecessors and of the best of those who came after them. They were John Tyler and Littleton Waller Tazewell. Andrew Jackson had just been elected President of the United States by a vote of 178 to 83 in the electoral college; and Calhoun, his later relentless political enemy, was Vice-President, and presiding over the deliberations of the Senate.

"Andrew Stevenson of Virginia," writes Benton in his "Thirty Years' View," "was re-elected speaker of the House, receiving 152 votes out of 191; and he classing politically with General Jackson, this large vote in his favor, and the small one against him (and that scattered and thrown away on several different names not candidates), announced a pervading sentiment among the people in harmony with the Presidential election, and showing that political principles, and not military glare, had produced the General's election."

Stevenson was one of the Piedmontese. He was

born in Culpeper County, and, though at this time a resident of Richmond, and a representative from the metropolitan district of the State, he came later to claim Albemarle as his home, by virtue of his ownership of the fine estate of "Blenheim" in that county, whither he retired at the close of his political career, and where he died in 1857. He was distinguished as a lawyer, and had served several terms in the Virginia House of Delegates, of which body he had been Speaker. From 1823 to 1834 he was a member of Congress, resigning in the last-named year, after having presided as Speaker over the deliberations of the House of Representatives from 1824 to the year of his resignation. In 1836 he was appointed Minister to Great Britain, which post he filled until 1841. Upon his return to Virginia he became Rector of the University of Virginia, and is said to have "devoted the rest of his life to the duties of that office, and to agricultural pursuits."

Of Gordon's other colleagues from Virginia during his first session in Congress, the most prominent, if not the ablest, was Philip Pendleton Barbour, of the neighboring county of Orange, the representative of Madison's old district, who had been the leader of the war party in the Virginia legislature of 1812, and Speaker of the United States House of Representatives in 1821. Barbour had resigned from the House in 1825 to become a judge of the General Court of Virginia; and was again returned to Congress in 1827, resigning again in 1830 on account of ill-health. Two years later, Gordon, who admired him for his fine ability, his lofty character and his qualities of statesmanship, attended the great gathering of the Democracy at Baltimore, in its first National Convention, held on the 21st of May, which adopted the celebrated two-thirds rule, drawn by Mr. Saunders of North Carolina:

"Resolved: That each State be entitled, in the

nomination to be made of a candidate for the Vice-Presidency, to a number of votes equal to the number that they will be entitled to in the electoral college, under the new apportionment in voting for President and Vice-President, and that two-thirds of the whole number of votes in the convention shall be necessary to constitute a choice."

Jackson had already been renominated for the Presidency by his friends in the New York legislature; and nothing remained for the Baltimore Convention to do except to ratify his nomination and name a candidate for Vice-President. Gordon was eager for the nomination of Judge Barbour—an object which he attempted, but in which he failed. "When I arrived in Washington," he wrote to Mrs. Gordon, under date of 27th May following, "I found everything in motion preparatory to the Baltimore Convention, whither I went at the request of many of my constituents and exerted myself to procure a nomination of Judge Barbour, in which I think I might have succeeded had his friends from Virginia composed the delegation from Virginia." Van-Buren received 203 of the 283 votes represented, and Judge Barbour 49. Later President Jackson appointed Barbour Judge of the United States Circuit Court; and in 1836 he became an Associate Justice of the Supreme Court of the United States, in which high office he continued until his death in 1841.

Judge Barbour's cousin, John S. Barbour, of Culpeper, another colleague of Gordon's, has been dealt with in an earlier chapter.

William S. Archer was another of Gordon's associates from Virginia in the 21st Congress. He occupied a leading place in the politics of the period. His father had been a soldier of the Revolution on the staff of "Mad Anthony" Wayne, and had distinguished himself at the capture of Stony Point.

The son was a member of the General Assembly for a period continuing, with the exception of one year, from 1812 to 1819; and a member of Congress from 1820 to 1835. In this latter service Mr. Archer was especially prominent in connection with the debates over the Missouri Compromise Bill; and in 1841 he became a member of the United States Senate from Virginia, and was chairman of its Committee on Foreign Relations.

Yet another Virginian representative of talents in this Congress was Philip Doddridge, whose posthumous fame has not been commensurate with his ability, and whose advocacy of the white-basis in the Constitutional Convention of 1829-30 illustrated an intellectual force, a gift of debate, and a brilliancy of statesmanship that were not inferior to those of the best minds in that assemblage of illustrious men. Doddridge was said to be scarcely less celebrated, in his day, in the western part of the State for his eloquence and splendid talents than was Patrick Henry in his generation in the eastern portions of the Commonwealth. He was a native of Wellsburg, in Brooke County and died at Washington in 1832, while a member of Congress, in the morning of his growing influence and fame.

The biography of John Tyler, then one of the Senators from Virginia, and later President of the United States, has been written in a monumental work by his youngest son, Dr. Lyon Gardiner Tyler, the present distinguished president of the ancient and venerable College of William and Mary. He had represented Charles City County in the House of Delegates from 1811 to 1816, when he was elected, and again twice re-elected, to the United States House of Representatives. Once more, in 1826, he was a member of the House of Delegates in the General Assembly of Virginia, and in 1825 he was elected Governor of the Commonwealth. On the 18th of January, 1827, he was chosen by the

legislature a Senator of the United States to succeed John Randolph of Roanoke, and resigned the Governorship to accept that office. During this term of his senatorship he was a member of the great State Constitutional Convention; and in 1833 he was re-elected to the Senate. In 1839 he was nominated on the Whig ticket for Vice-President with General William Henry Harrison; and was elected. President Harrison died a month after his inauguration; and Vice-President Tyler became President. During his administration Texas was annexed to the Union. He presided in 1861 over the deliberations of the Peace Conference, called by the Virginia Legislature at his suggestion, which met at Washington; and he died in the service of his State and country on the 17th January, 1862, at Richmond, Virginia, while a member of the first Confederate States Congress. Of his great ability, his far-sighted and disinterested statesmanship, his incorruptible personal and political integrity, and his unselfish patriotism there was no more genuine admirer than Gordon, who though differing with him politically in the later period of his public career, continued to his death to cherish the personal friendship which had grown up and continued between them from the time of their early service together as members of the Virginia House of Delegates.

The other Senator from Virginia was Mr. Tazewell. "It is a coincidence in the lives of Mr. Tazewell and his father," says Mr. Grigsby in his "Discourse," "that the father was elected to the Senate of the United States to fill a vacancy caused by the resignation of John Taylor of Carolina; and that the son, after an interval of thirty years from the election of the father, was chosen to fill the vacancy in the Senate made by the resignation of the same individual; and that father and son were twice elected President of the Senate."

William Wirt has left a graphic portraiture of

Tazewell in his youth in "The Old Bachelor"; and Francis Walker Gilmer, himself one of the most gifted and brilliant young men of his period, has drawn him with masterly touch as he was before he entered the United States Senate. Mr. Grigsby's "Discourse" presents him at length, and in the majesty of his intellect and person. It was said of him on the occasion of his death, by his fellow townsman, Mr. George Loyall of Norfolk, that "Virginia had conferred upon him her highest official trusts. Her generous confidence he requited with a deep and fervent devotion, laying upon the altar of her stern and simple political faith the offerings of matured wisdom, and upholding in all seasons, with a lofty patriotism and the utmost energies of his powerful intellect, her right and honor. Standing upon the great principles that lie at the foundation of our institutions, the powers of the Federal Government, as limited and defined by the compact and the rights of the States in all their integrity he regarded as vital to the preservation of the Confederacy and the stability of our republican system. Whether in repelling open assaults upon the Constitution, or meeting at the threshold covert abuses of delegated power, no man within our border saw more clearly, or more directly and firmly trod the path of duty before him. Personal asperities engendered by political strife, and which too often follow in the train of collisions of opinion and partisan warfare, were alien to his nature."

He had been elected to the legislature soon after coming to the bar; and he was one of its members in the memorable session of 1798 that saw the introduction of Mr. Madison's famous resolutions. He went to Congress from the Williamsburg district in the next year, succeeding Judge Marshall in that body. He declined a re-election, and removed from Williamsburg to Norfolk, where he practised his profession until 1825, when he was elected United

States Senator. He resigned his seat in the Senate in 1833, and was soon after elected Governor, which office he also resigned before the end of his term. It has been said of him that "it was the subject of deep regret that one possessing such colossal powers should have been so unwilling to exert them"; and he has been compared in his career to Chief Justice Wilmot of England, as one of the great men of history who sought an obscurity that he could not win.

The roster of the Federal Senate of this session bore, among others hardly less prominent, the illustrious names of Daniel Webster, John M. Clayton, James Iredell, Robert Y. Hayne, Hugh L. White, Edward Livingston, William R. King and Thomas H. Benton. In the House of Representatives were Edward Everett of Massachusetts, Churchill C. Cambreleng of New York, James Buchanan of Pennsylvania, Daniel L. Barringer of North Carolina, Robert W. Barnwell and Warren R. Davis of South Carolina, Richard Henry Wilde of Georgia, Richard M. Johnson of Kentucky, John Bell, David Crockett, Cave Johnson and James K. Polk of Tennessee, James Shields of Ohio and Edward D. White and Clement C. Clay of Louisiana. The talent was largely with the South; and the politics of the "Virginia School" were dominant.

Congress met December 7, 1829; and Jackson began with his first message the self-willed and imperious policy that served at an early date to alienate many of his former followers, and to disrupt what had been the republican-democratic party of Jefferson. Many who started out in that session as the President's devoted friends and followers, later became his stoutest enemies.

Domestic matters detained Gordon at home, after the adjournment of the Constitutional Convention; and he did not arrive in Washington until the latter part of January, 1830. His general allegiance to Jackson remained unshaken through this session, and

the following one; and we find him writing in December, 1830, to Mrs. Gordon of the political company he was keeping: "I wrote you that I was at Mrs. Peyton's, but did not tell you the mess. We have Mr. Tazewell, Mr. White, the Senator from Tennessee, the Senator from North Carolina, Mr. Ellis from Mississippi, and many others,—all Jackson men."

The President advocated in his message the direct election of President and Vice-President by the people; he advised an inquiry by Congress into the constitutionality and propriety of renewing the charter of the Bank of the United States, which was to expire in 1836; and he favored the distribution of the surplus revenue among the States. The strict constructionists, among whom the Virginia Democrats were conspicious, were not long in parting company with Jackson, upon one or another of his policies. Gordon, calling on him at the White House during the second session of the 21st Congress, took occasion to remind him that he had always been his political and personal friend, though he had found himself forced to oppose in Congress some of the measures which the President had advocated, because in his opinion they were wrong. The President's reply was eminently characteristic.

"I do not care a damn," he said, "for a friend who stands by me only when he thinks I am right. The kind of friends I want are those who will stand by me when they think I am wrong!"

Jackson made no allusion in his first message to the tariff; and this was already a matter of burning import to the South. The Crawford Democrats believed that Jackson could not be relied on to maintain their hostility to protection, the iniquities of which had been the subject of condemnatory resolutions, not only in the General Assembly of Virginia during Gordon's membership in the House of Delegates, but also in the legislatures of Georgia and

South Carolina, which had denounced the tariff of 1828 as unjust, oppressive and unconstitutional. This action on the part of South Carolina developed later into the assertion by that State of the doctrine of Nullification;—a doctrine which Gordon, while consistently opposed to a protective tariff, never adopted as a part of his political creed; though the little band of Nullifiers in Congress, with Mr. Calhoun at their head, included some of his closest personal friends. His attitude to the question was that of such resistance to unconstitutional and oppressive legislation as Virginia had made to the Alien and Sedition laws,—a resistance, which Benton says in his "Thirty Years' View," "was an appeal to the reason, judgment and feelings of the other States, and which had its effect in the speedy repeal of those laws."

The loose-constructionists in the Democratic party were in favor of protection and of internal improvements, both of which doctrines the "Virginia School" of Democracy rejected as heretical. The National Republicans, successors of the Federalists, beheld their ranks enlarged by the accessions of loose-construction Democrats; the anti-masonic party sprang up with a mushroom growth in several of the Northern States; the influence of the Bank of the United States allied itself to the inchoate mass of opposition to Jackson. The tremendous personality of the man himself,—his courage, his resourcefulness, his self-reliance,—and the inability of the elements antagonistic to him to unite closely and compactly upon principles of opposition left the victory at last, after a long and bitter struggle, in Jackson's hands.

The union of his opponents, such as it was, found its cohesive force, during the stormy period of his two administrations, solely in this antagonism which each constituent element felt towards him; and the Whig party, thus originated, continued for several years, and until there was a final crystallization of

political opinions and policies into party action, to contain many men of widely divergent minds upon the political questions of the day, who marched under its banner of opposition to Jackson, without subscribing to any of the Whig tenets of Webster and of Clay.

It was only a seeming harmony that existed between the Northern and Southern sections of the so-called Whig party of the period; for many southern Whigs were as staunch believers in State-Rights as were the Southern Democrats; and slavery had its friends among Southern members of the party, as it had its opponents among those who called themselves Whigs in the North.

From the organization of the Whig party in 1833 in opposition to Jackson, to the time in 1837 of the return of Calhoun, Tazewell, Gordon, and the State-Rights Democrats who had co-operated with it, to the Democratic party, hostility to Jackson was its fundamental tenet. This must appear at once from a glance at its extraordinary make-up. Into the Adullam cave of discontent with the President were gathered the incongruous hosts of the old National Republicans, or "loose-constructionists;" the Nullifiers, led by Calhoun; the Jeffersonian Republicans, who were "strict constructionists," and while opposing nullification, yet condemned Jackson's proclamation as unconstitutional; other southern Republicans, like Randolph of Roanoke, who sympathized with every move, however extreme, against the Bank of the United States, and yet were willing to take up arms in opposition to the force-bill and the proclamation; the Democrats, who antagonized a bank, yet regarded the President's removal of the deposits as arbitrary, usurpative and unconstitutional; the anti-masons, whose party had grown up about the historic masonic episode of Morgan; and others, whose political opinions agreed with those of no party or faction. It was a strange aggregation

which included in it Webster, and Calhoun, and Henry Clay, and Robert W. Barnwell, and John Quincy Adams, and John Tyler, and Warren R. Davis, and William F. Gordon.

At the time of Gordon's first arrival at the Capital, the famous Webster-Hayne debate was in progress. It did not interest him. He listened to Mr. Webster for a little while, and wrote home that "he did not strike the Virginia note." Gordon had been listening for three months to Marshall, and John Randolph, and Benjamin Watkins Leigh, and Upshur and Tazewell in the Virginia Convention.

On the 13th of April, 1830, the leading Democrats in Washington gave a dinner to celebrate Mr. Jefferson's birthday. It appears to have been the first occasion on which such a testimonial to the memory of the great republican leader, then dead not quite four years, was ever made; and there was no one more interested in the event than was Gordon, who took an active part in promoting it, and was a member of the committee of Congressmen who had in charge the arrangements for the function. In anticipation of the occasion, which was expected to be a notable one, he wrote to Mrs. Gordon on the 9th of March from Washington:

"We have determined to celebrate the birthday of Mr. Jefferson; and yesterday I waited on Mrs. Randolph to ascertain the day of his birth. We expect to give an impulse to free and true principles by a celebration of the advent of our great Star of Freedom."

The dissensions in the ranks of Democracy were emphasized by the occurrences at this dinner, which was attended by both President Jackson and Vice-President Calhoun. The strict-constructionists were in charge of the details, including the toast-list; and the toasts indicated an exaltation of the doctrine of

the reserved rights of the States, according to the gospel of Jefferson.

Niles' Register, a National Republican organ, contained in its issue of April 24, 1830, a long account of the dinner; and blazoned abroad its political significance.

"Jefferson's birthday, 13 April, 1830," says the *Register,* "was celebrated by a numerous party of members of Congress and others, at Brown's Hotel. Mr. John Roane of Virginia presided, assisted by Mr. Bibb of Kentucky, Mr. Woodbury of New Hampshire, Mr. Grundy of Tennessee, Mr. Cambreling of New York, Mr. Gordon of Virginia, and Mr. Overton of Louisiana. Among the invited guests were the President and Vice-President of the United States, and the Secretaries of State, War and the Navy. After dinner twenty-four regular toasts were given, with speeches of considerable length from Messrs. Bibb, P. P. Barbour, Woodbury, Hayne, and Wayne of Georgia; and some of the volunteers by Messrs. Hubbard of New Hampshire, Potter of North Carolina; and Pope, Governor of Arkansas, made a few remarks. There were about eighty volunteers; together, one hundred and four toasts."

President Jackson took fire at what he regarded as a suggestion of nullification during the speaking; and after the regular toasts offered "a volunteer," which later became a slogan of his followers:—"Our Federal Union: It must be preserved." Calhoun accepted the implied challenge, and offered his "volunteer:"—"The Union: Next to our liberty the most dear; may we all remember that it can only be preserved by respecting the rights of the States, and distributing equally the benefit and burden of the Union."

It was the open declaration of a state of war on either side, where hostilities were actually begun.

Niles continues, in the same issue of the *Register:* "It (the dinner) was intended for political effect,—to bring out the weight of Mr. Jefferson's name in favor of the new doctrines concerning State Rights, and against internal improvements and domestic manufactures;" and concludes that "the speeches and the toasts abundantly prove this."

Gordon's simple announcement in his next letter home, April 23, 1830, was: "We had a splendid celebration of Mr. Jefferson's birthday. The papers and political parties are making it a dinner for political effect. I trust, if it has any, it will be to bring into the administration of our affairs the principles of our great countryman."

The House Journal of the first session of the 21st Congress, which adjourned on the last day of May, 1830, shows that Gordon took the oath as a member on January 25, preceding. On the 1st of February he wrote to Mrs. Gordon:

"I am greatly pleased that we can communicate so speedily by letter; and, if need be, that at any time I can soon be at home. I removed last evening on the Hill to Dawson's boarding-house, where I have a genteel mess of Virginia and Southern members. I am quite comfortably situated, with a wood fire, which is a luxury after having been ten winters dusted with the coal.

"As yet I have made but few acquaintances. Being a stranger, I wait for the civilities of others. I have not as yet got cards for visiting, which I am told are necessary to the city circles. I shall, however, endeavor to retain as much of my country manners as possible. Colonel Barbour is my next door neighbor. Mr. Tazewell and Mr. Alexander, from Virginia, on the southside of James River, Doctor Hall from North Carolina, Colonel Benton, Senator from Missouri, and Mr. Yancey of Kentucky, formerly from Albemarle, and J. S. Barbour, form

my immediate mess. We dine and live alone; and from appearances live quite genteelly. I have not yet seen Mrs. Stevenson. To-morrow I am to dine with the President which will be a new scene."

He was not long, however, in making acquaintances and friends. Many of his Virginia associates were in Washington; and in his next letters home he tells Mrs. Gordon of seeing her friend, Mrs. Randolph and two of her daughters, at Mr. Van Buren's, and of meeting other friends.

"I visited Mrs. Randolph a few days after I saw you last," runs his letter of February 7, following. "She seems to be comfortably fixed, and the establishment showed much of taste in all that I observed. She seems a little pensive, and says she feels some of the pains of an exile."

"The session is becoming somewhat more interesting than it has been," he writes in the same month, "although I cannot yet see what the policy of the administration will result in."

His votes were consistently in line, throughout the session, with the political sentiments which he had always entertained. He voted against pension bills and against all the money bills offered for internal improvements, including the bill to make a national road from Buffalo to New Orleans, a bill for a stock subscription by the Government to the Maysville and Lexington Turnpike, a bill for the incorporation of the Alexandria Canal Company, a bill for government subscription to the stock of the Louisville & Portland Canal Company; and he voted to sustain the President's veto of the Maysville Turnpike bill.

During this session he was deeply interested in the contested election case of George Loyall against Thomas Newton, involving a seat in the House from the Norfolk, Virginia, district. Mr. Loyall had been his friend and associate in the General Assembly and in the Convention; and Gordon had the

gratification of seeing the contest decided in his favor. "Loyall has got his seat," he writes jubilantly to Mrs. Gordon on the 16th of February, 1830, "and is a great acquisition to us."

CHAPTER XIII

IN CONGRESS—THE NULLIFIERS—NULLIFICATION AND SECESSION

The second session of the 21st Congress beginning on the 6th day of December, 1830, saw the breach between Jackson and many of its members, his former supporters, still widening. The President's message again attacked the Bank of the United States; and dealt with the subject of internal improvements from the standpoint of the strict constructionists. Congress, however, passed a harbor improvement bill which Jackson concluded to sign; and the Jeffersonian Republicans, who had been followers of William H. Crawford, grew more uneasy and anxious. Crawford had practically retired from politics, and was out of public life; and the Virginia Jeffersonians were beginning to look to Mr. Calhoun as his successor. Crawford, himself a Virginian by birth, had moved to Georgia in his boyhood, where, studying law and entering politics, he illustrated his talents by a subsequent career of great distinction. He had been United States Senator; had declined the Secretaryship of War under Mr. Madison, and had filled with ability and success the office of Minister to France. He had succeeded Dallas as Secretary of the Treasury, and had been a sturdy opponent of internal improvements by the Government. He had been nominated for President through the influence of the Virginia school, as the most conspicious representative of the Jeffersonian Democracy; and had received forty-one votes in the electoral college, including those of Virginia and Georgia. But disease had now sapped his vigor; and Calhoun's political star seemed to be in the ascendant.

The estrangement between Calhoun and Jackson had grown into undisguised hostility; and in the same month in which Congress adjourned in 1831, the Vice-President published his famous attack upon the President. Gordon, who had been a follower of Crawford, took sides with Calhoun as against Jackson. Calhoun's attack upon the President, which had been expected since the Jefferson birthday dinner, was followed by the dissolution of the Cabinet. Jackson for some time past had hardly seemed to trust his Calhoun secretaries; but relied for advice and assistance upon Mr. VanBuren, and a party of unofficial friends, who were dubbed by his enemies "the Kitchen Cabinet." VanBuren resigned from the Cabinet in order to enable Jackson to request the resignation of its other members, which he promptly did.

The war between Jackson and Calhoun was now on in all its ferocity; and was characterized by such a bitterness of feeling and of expression on the part of their respective followers as has been seldom known in American politics. Calhoun's hostility to Jackson had its inception in the former's strict construction views of the reserved rights of the States; and was the beginning of that mighty championship of the "institution" of slavery, which depended for its existence on the State-Rights doctrine that was so long and ably upheld by his relentless and inexorable logic.

Though Mr. Calhoun has been condemned by the generations which have followed the abolition of slavery for his attitude upon that profoundly perplexing and difficult problem, yet an unsympathetic and often hostile biographer, of an antagonistic school of political thought, has paid him the tribute that his genius must compel from history. "The name of Calhoun," says Dr. Von Holst in his biography in "The Statesmen Series," "conveys a much more definite idea to the American people than that of either

Webster or Clay; and this difference will be steadily increased in his favor. The simple explanation of this remarkable fact is that Calhoun is in an infinitely higher degree the representative of an idea; and this idea is the pivotal point on which the history of the United States has turned from 1819 to nearly the end of the first century of their existence as an independent republic. From about 1830 to the day of his death, Calhoun may be called the very impersonation of the slavery question. From the moment when he assumes this character his figure towers far above all his contemporaries, even Jackson not excepted; while up to that time he is, in spite of his uncommonly brilliant career, only an able politician of the higher and nobler order, having many peers and even a considerable number of superiors among the statesmen of the United States."

It is unnecessary to dwell upon here, or even to attempt an outline of the life of Mr. Calhoun, which was personally as blameless as that of some of his distinguished compeers was the reverse; or to recount the positions which he filled with conspicuous dignity and honor. The idea for which he labored, and upon which he spent the energies of an unselfish and devoted personality, perished almost within his gaze, and its memory with many is that which the conquerors of lost causes keep. But the spirit in which the great statesman and logician maintained his cause, and the genius and glory which he manifested in its maintenance are worthy of the most vivid and glowing page in the history of the American Republic.

About Calhoun, in the struggle which began over protection, and went through nullification to secession and war, were gathered at this early period a group of men who for their ability and patriotism may not inaptly be compared to the Girondins who assembled about Isnard and Barbaroux, to perish for freedom, in the time of the French Revolution.

The story of the Nullifiers is a story of talents and of tragedy.

Conspicuous among the South Carolinians in the 21st Congress were Robert W. Barnwell, Warren R. Davis, and George McDuffie, all three of whom were adherents of the State-Rights view, and with each of whom Gordon maintained an intimate personal association. Mr. Barnwell's career is presented in a later chapter. Of the other two there was none of his associates in Congress with whom Gordon stood in a friendlier or more admiring relation than with Warren R. Davis, orator, wit, poet and party leader—who was the delight of every social gathering that he entered; whom Benton named as one of the ablest debaters of the session; to whom John Randolph appealed in a memorable letter to Mark Alexander, as to the leader of the Jeffersonian Republicans in the House; and whose death occurring on the 29th of January, 1835, while Congress was in session, was deplored in the Senate by Mr. Calhoun in a speech of lofty and splendid eulogium.

Davis, who was born in May, 1793, settled in Pendleton, South Carolina, at the same time that McDuffie settled in the same place. "Mr. Davis succeeded," says his biographer, "and got business. Mr. McDuffie had none." Davis was elected to Congress in 1824, and continued to represent his district until his death in 1835. "His life was short," the writer above quoted remarks of him, "and I had almost said a merry one. Every company in which he mingled experienced the joy of his wit. Indeed, humor was his nature; he rioted always in its wild luxuriance." He espoused the cause of Nullification with all the fiery ardor of his disposition and his brilliant speeches and his witticisms, after his untimely death, came to be household words in the mouths of his friends. He was the chairman of the important House Judiciary Committee, of

which Gordon became a member as soon as he entered Congress; and of which the other members of that session were William W. Ellsworth of Connecticut, Henry Daniel of Kentucky, Edward D. White of Louisiana, Thomas F. Foster of Georgia, and Samuel Beardsley of New York.

"A cat is a good nullifier," Davis said one day, as he chanced to tread on a feline tail, and felt avenging claws set in his leg. "She knows it is her tail that I trod on, and she doesn't care a rap whose foot it is that she claws."

His gift of graceful versification is illustrated in the lines written by him to the old Scotch air of "Roy's Wife of Ardavalloch:"

"Johnson's wife of Louisiana,—
Johnson's wife of Louisiana,—
The fairest flower that ever bloomed
'Neath southern sun on gay savannah.

"The Inca's blood flows in her veins,—
The Inca's dreams her dark eyes lighten,—
Child of the sun, like thee she reigns,
To cheer our hopes, our sorrows lighten.

"Her mind is radiant with the lore
Of ancient and of modern story;
Her sprightly wit, of nature's store,
Bedecks her with a rainbow-glory.

"'Twas such a vision, bright though brief,
In early youth my fond heart rended;
Then left me, like the withered leaf,
On life's most rugged thorn suspended."

It was on the occasion of Mr. Davis' funeral, held at the Capitol, that the attempt to assassinate President Jackson was made by Lawrence, a crazy carpenter. This occurrence, which came near being a tragedy, is graphically described in a letter from President Tyler, then one of the Senators from Virginia, to his son Robert Tyler, written from Washington, January 31, 1835:

"My son: I am very much pleased at a letter which

General Gordon showed me from you this morning, in return for his kind recollection of you in having forwarded Mr. Adams' oration (on Lafayette's death). You very properly returned him your thanks for the favor, and he is obviously very much gratified at the terms employed in your letter. I dined a few days since at General Jones' with Governor Dickerson, who enquired after you. My object, however, in writing to you was to give you an account of an occurrence which transpired yesterday, and to ask that you will walk down to Judge Semple's and inform him of the facts.

"Warren R. Davis died two nights ago, and yesterday the funeral ceremonies were performed in the House of Representatives. The members of both Houses were present, and the President of the United States, with the members of his Cabinet. The procession moved from the hall, through the rotunda, to the east porch of the Capitol,—the House first, the Senate second, followed by the President, etc. I was unwell, and concluded not to go to the grave; and after getting to the porch, I stepped out of the line of procession to the right. I had not been standing there more than a minute before I heard an explosion, similar to that produced by an ordinary cracker, which caused me to turn around, when I perceived a man standing in front of the President, about four steps off, with a pocket pistol pointed at the President. The report immediately followed, of the same character with that I had a moment before heard. The President immediately raised his cane and made at him; but before he could strike, the fellow was seized and thrown down, the President still pressing on him, and when preparing to stick his cane into him was drawn off. The fellow was immediately transferred to the civil authorities, and now lies in jail to await his trial at a future day.

"It seems that he had two pistols, each of which he

had attempted to discharge; but they were with percussion locks; the day was very damp, a thick mist prevailing, and although the caps, by their explosion, must have been as fine as were ever used, the powder did not ignite. They were found to be well loaded with the finest powder, and it is almost a miracle that they did not go off.

"The man is said to be an Englishman by birth; to have been in this city some three years; to be a painter by trade; and to have given, on more occasions than one, evidences of derangement. He was asked, I learn, by Mr. Randolph, the sergeant-at-arms of the House, what led him to attempt the life of the President. He replied: 'Because he killed my father three years ago!' There is nothing but madness in all this.

"The effort will doubtless be made to turn this to political effect. Although Ravaillac killed Henry IV. of France, although one madman attempted to shoot George III., and another killed Mr. Percival, the prime minister, in the Parliament house; yet if a madman attempts to kill General Jackson it must be used for party effect.

* * * * * * * *

"Your father,
JOHN TYLER."

Singularly brilliant and unusual as were the talents of Warren R. Davis, they were eclipsed by those of his great compeer and fellow South Carolinian, George McDuffie. McDuffie was born in Georgia in 1788. He studied law, and settling at Pendleton, South Carolina, failed to get practice until taken into partnership by a prominent local lawyer with a considerable business. His rise in his profession, thenceforth, was almost without parallel; and cases poured in upon him from every direction. In 1821 he was elected to Congress, and thenceforth "delighted Senators and governed men with his eloquence." He

took front rank among the opponents of the tariff legislation of the period; opposed the removal of the deposits by Jackson in a powerful speech, characterizing it as "an act of usurpation, under circumstances of injustice and oppression, which warranted him in saying that the rights of widows and orphans had been trampled in the dust by the foot of a tyrant;" and was the strongest and boldest of the Nullifiers in the celebrated Nullification Convention of South Carolina. In December, 1834, he was elected Governor of his State; and in 1842 he became a Senator from South Carolina in the United States Senate. Here he was a prominent advocate of the passage of the Sub-Treasury Bill and of the annexation of Texas, both of which measures he had once antagonized.

Lacking the genial qualities which endeared Warren R. Davis to the hearts of his associates, McDuffie was in youth, manhood and old age remarkable for his taciturnity and reserve. It has been said of him that "he literally seemed to commune with himself; yet there were occasions, when he met old friends and companions, in which he seemed to enjoy life with as much zest as any man." Chief Justice O'Neall of South Carolina said of McDuffie in an address delivered in 1851, the year of his death:

"With a thousand times more honesty, McDuffie has surpassed the most brilliant efforts of France's greatest orator, Mirabeau. McDuffie, with a head as clear as a sunbeam, with a heart as pure as honesty itself, and with a purpose as firm as a rock, never spoke unaccompanied with a passionate conviction of right, which made his arguments as irresistible as the rushing flood of his own Savannah."

The story of Nullification does not need repetition here at any great length or in detail. The Nullification Ordinance was adopted by a State Conven-

tion held at Columbia, South Carolina, November 19, 1832. It formally declared the tariffs of 1828 and of 1832 to be "null, void and no law, nor binding upon South Carolina, her officers and citizens;" and it forbade the collection of tariff duties within the State after February, 1833. It also declared that should the United States use force, South Carolina would secede from the Union.

The relation of the question of Secession and of the tremendous tragedy of the War between the States in 1861-1865, in organizing which South Carolina bore a leading part, to the nullification measures of 1832 have been dealt with by many historians and writers. The verdict of impartial history must be that this was no new and astounding doctrine in politics thus advanced, although its appearance was so grave and threatening; but that in one form or another the doctrine of nullification had already been proclaimed by more than half the States at that time constituting the Union: by Georgia, Virginia, Kentucky, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Ohio, New York, North Carolina, South Carolina, Alabama, Mississippi and Maine.

On December 16, 1832, the President issued his Nullification Proclamation, and sent a naval force to Charleston Harbor. A tremendous excitement agitated the States, and was felt throughout the Union. The military of South Carolina were gathered together, and volunteers strengthened the militia for defense.

On December 24, 1832, Gordon wrote from Washington to Mrs. Gordon:

"I might have visited you at Christmas. The weather is, however, very cold; and I daily expect the river will be frozen up. Indeed our anxiety for the fate of the country is such that I am unwilling to be absent a single day from the seat of government. We of the South have been sadly disap-

pointed in the course of the President towards the wrongs of our country. A spirit of violence and not of conciliation seems to be the order of the day which if persevered in, must have the worst consequences. The course of South Carolina was marked by much indiscretion, and should therefore have been met by more prudence on the part of the President. I yet hope for the best. The mediation of Virginia may turn away for a time the disaster of disunion—bad enough at any time, and in any way, but greatly to be deprecated, if stained with civil blood. We are waiting with great anxiety to hear how the proclamation of the President will be received in South Carolina. You must not be unhappy about our affairs. Virginia will have an important part to act in the great political drama which seems to be at hand; and I doubt not will act worthily of herself. A little prudence in our rulers would yet compose everything. Of that, however, there is but slight hope, and if the good sense of the people does not overrule the madness of the rulers, great confusion may ensue."

The Force Bill was introduced, and a great debate followed in the United States Senate, in which Calhoun, who had resigned the Vice-Presidency, and now represented South Carolina, defended the State-Rights doctrine with unsurpassed ability. He introduced his famous resolution, reciting that the States are united "as parties to a constitutional compact"; and that the theory that the people of the United States "are now or ever have been united on the principle of the social compact, and as such are now formed into one nation or people" is erroneous and false, both in history and reason. Calhoun supported the resolution in a speech of unanswerable power and inexorable logic, before which Webster, the champion of centralization, sat mute, defeated by the South Carolinian's argument. The Federalist writers have since skimmed the surface of the his-

toric incident, or have fled from it as an instance in illustration of Calhoun's "metaphysical politics."

But the horrid front of war disappeared. Clay, the great compromiser and pacificator, brought in a tariff bill, which provided that the tariff should be gradually reduced, so that after the expiration of ten years it should become "a tariff for revenue only." South Carolina rescinded her nullification ordinance; and the disputed proposition whether Jackson would have undertaken to carry out his threat to "hang Calhoun" in the event of secession, was never settled.

The tariff question and the slavery question were already beginning to become the subjects of a political agitation, which has continued in the former instance, with more or less persistence, down to the present day; and in the latter until the abolition of "the institution" by the judgment of war. In May, 1832, Gordon wrote from Congress to Mrs. Gordon:

"To-morrow we enter on the Tariff debate in which the destinies of the Union are involved. After that is dismissed or acted on, we shall shortly adjourn. I shall not despair of the republic, although I am hoping almost against hope. There is, however, this consolation, that affairs can scarcely be worse than they are at this time. The great interests of the Confederacy are in conflict; and all the composure and virtue of the best men are necessary to settle them harmoniously. Our own State for the present has less to apprehend from any vicissitudes than any other. She has made so many offerings on the altar of peace and union, that even her enemies must acknowledge 'if Rome must fall, that she at least is innocent.'"

The tariff act to which Gordon alluded was approved on July 14, 1832, after having passed the House of Representatives by a vote of 132 yeas to 65 nays, and the Senate by 32 yeas to 16 nays. It

repealed all previous acts in relation to fixing the rates of duties, and imposed new ones, that were free, specific, compound, *ad valorem* and minimum. The free list was greatly extended; but the tariff had not yet become a tariff for revenue only. It was the tariff that South Carolina met with Nullification and the threat of secession.

CHAPTER XIV

IN CONGRESS—THE BANK CONTROVERSY—THE REMOVAL OF THE DEPOSITS—THE VIRGINIA RESOLUTIONS

The bill to enforce the tariff, commonly called in South Carolina "the Bloody Bill," whose opponents in the Senate, with the exception of Senator Tyler of Virginia, had refused to vote, was passed and signed by Jackson, with the result of arousing great feeling in the South. But in the spring of 1833 the President stirred up a profounder and wider-spread excitement than anything in connection with Nullification had caused. In his first administration President Jackson had recommended that Congress should order the removal of the public funds from the Bank of the United States, where existing law designated they should be kept, with authority in the Secretary of the Treasury to cause their removal, provided he should thereafter give his reasons for such removal to Congress. Congress had refused by a large majority to follow the President's recommendation. Jackson, believing his reëlection to the office of President for a second term indicated public approval of his attitude towards the Bank, determined to force the removal of the government deposits.

Louis McLane, of Delaware, his Secretary of the Treasury, refused to obey the President's order of removal, and was retired from the Cabinet. William J. Duane, of Pennsylvania, appointed by Jackson to succeed McLane, proved as intractable as his predecessor. Duane was removed, in turn; and Roger B. Taney, of Maryland, whose name is linked in history with his removal of the deposits while Secretary of the Treasury, and with the decision of

the Dred Scott case, while Chief Justice of the United States, carried out Jackson's order with relentless courage. The removal was not a physical deportation of government moneys from the coffers of the Bank, for no funds then in the Bank of the United States belonging to the government were really removed. The famous "removal of the deposits" consisted in the official order for the future deposit of all incoming revenues in various designated State banks, which soon obtained the political appellation of "Jackson's pet banks."

The 23d Congress met in its first session on the 2d of December, 1833, and the President sent in his message, together with the report of the Secretary of the Treasury, defending the removal of the deposits. The Whigs in the Senate, comprising the National Republican Senators and those of the Calhoun State-Rights Democracy, constituted a majority. Mr. Clay introduced resolutions condemning this executive action in relation to the government funds, and a debate ensued which lasted three months. The resolutions of censure were adopted; and Jackson responded with a protest, charging that the Senate had in effect impeached him, without giving him an opportunity to defend himself. Benton, of Missouri, offered a resolution to "expunge" the resolutions of censure from the Senate Journal; and around this inflaming subject raged for a long time the struggle between the President and the opposition. The warfare finally culminated in the triumph of Jackson, and the expunging from the Journal of the resolutions of censure by the adoption of Benton's famous expunging resolution.

In the House of Representatives the situation was different. There the Jacksonian Democracy had indicated by a strong majority its adhesion to the President by the re-election of Mr. Stevenson, an ardent supporter of the Administration, to the office of Speaker. Gordon had voted in 1832 against re-

chartering the Bank, and he had supported in the Virginia House of Delegates a resolution declaring it to be the opinion of that body that the law of Congress establishing the Bank was not authorized by the Constitution. But he believed none the less that Jackson, in removing the deposits, had, in the language of the resolutions of censure, "assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." He was supported in his position by political opinion at home, for the General Assembly of Virginia adopted resolutions condemning the removal of the deposits; and he was selected as the vehicle of their presentation to the House of Representatives. How divergent, however, the views of individual Democrats might be, and what dissensions were created in the party by the President's policies and measures, are perhaps nowhere better illustrated than in the case of John Randolph of Roanoke, who, then in the sere and yellow leaf, had written to Mark Alexander in the June preceding the removal of the deposits, and apparently with a willingness to go to any extreme with Jackson in his war on the Bank:

"I write to entreat you to tell Warren R. Davis and his colleagues that if, by their votes, the United States Bank Bill shall pass the House of Representatives, they will receive the curses loud and deep of every old-school Republican of the South."

Yet when the fight was well on between Jackson and Calhoun over Nullification, Randolph sided with the South Carolinian, and denounced the President as a "Djezzar Pacha," and his proclamation as a "ferocious and blood-thirsty" document.

On March 3, 1834, Gordon presented to the House the Virginia resolutions. They were as follows:

"Whereas the General Assembly of Virginia deem it of the utmost importance that the power to control the public revenue should be made to abide in practice, where it has been vested by the Constitution, in the immediate representatives of the people, and of the States, in Congress assembled; and all experience of the practical operations of governments has proved that arbitrary assumptions of power by them, or any officer of them, if silently acquiesced in, become precedents for further and still greater acts of usurpation; therefore

"1. Resolved by the General Assembly, That the recent act of the President of the United States, exerting a control over the public deposits, by causing them to be withheld and withdrawn, on his own responsibility, from the United States Bank, in which they had been ordered to be placed by the act of Congress chartering the said Bank, is in the judgment of the General Assembly a dangerous and alarming assumption of power by that officer, which cannot be too strongly condemned.

"2. Resolved, That while the General Assembly will ever be ready to sustain the President in the exercise of all such powers as the Constitution has confided to him, they, nevertheless, cannot but regard with apprehension and distrust, the disposition to extend his official authority beyond its just and proper limits, which he has so clearly manifested in his recent interference with the Treasury Department of the Federal Government, in the exercise of a sound discretion, which Congress had confided to the head of that Department alone.

"3. Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the adoption by Congress of proper measures for restoring the public moneys to the Bank of the United States; or, at least, for causing them to be deposited therein for the future, according to the direction and stipulation of

the act of Congress chartering the said bank; if, at the time of their action on the subject, the said bank be, in their opinion, a safe depository of the public treasure.

"4. Resolved, That the General Assembly cannot recognize as constitutional the power which has been claimed by Congress to establish a United States Bank, because, in the opinion of the General Assembly, as they have heretofore solemnly declared, that power is not given to Congress by the Constitution of the United States.

"5. Resolved, That the General Assembly do not intend, by the declaration of their opinion in regard to the unconstitutionality of the Bank of the United States, to qualify, or in any manner to impair, the force of their disapprobation of the withholding and withdrawing of the public deposits.

"6. Resolved, That the Governor of the Commonwealth be requested to transmit a copy of these resolutions to each of our Senators and Representatives in the Congress of the United States."

Gordon supported the presentation of these resolutions by a characteristic speech, which embodied the attitude of the strict constructionists.

"In offering these resolutions," says the official report, "Mr. Gordon said he rose for the purpose of presenting to the House resolutions passed by the General Assembly of the Commonwealth of Virginia on the subject of the removal of the public treasure from its deposit in the Bank of the United States, where it had been placed by law. The General Assembly of Virginia have been deeply impressed with the importace of the principles involved in this question; and, after the most deliberate consideration, have come to resolutions condemning the course of the President of the United States, instructing their Senators, and requesting the Representatives from the State of Virginia to use their efforts to restore

the deposits to the Bank of the United States. The General Assembly have considered this as a question of liberty, in which the principles of a limited constitution have been violated by the practice of the Chief Magistrate, in assuming authority properly to be exercised by other departments of the Government. The General Assembly of Virginia and the people of Virginia have heretofore yielded to no portion of this Confederacy in respect and affection for the present Chief Magistrate of the United States; but the General Assembly and the people standing on their long-cherished and oft-defended ground of constitutional construction, and their own estimation of the principles and practices of government, best calculated to secure the blessings of freedom, have spoken on this occasion in a language not to be misunderstood. The General Assembly consider the removal of the deposits from the Bank of the United States, in the manner it has been effected, on the responsibility of the President, as 'a dangerous and alarming assumption of authority,' tending to concentrate in that officer all the powers of government. The legislative functions of Congress, and the judicial authority of the courts, have both been invaded. The province of the courts, patiently to examine and correctly to ascertain facts by the consecrated trial by jury, has been utterly disregarded; and the Chief Executive officer of this Government, although directed by law, if he deemed there had been an infraction of the bank charter, to direct a *scire facias* to issue, in order to a trial by a court and jury, has himself adjudged the questions, on *ex parte* testimony, and determined that the bank has forfeited its charter; thus in his own person deciding the question of the violation of the charter, involving high penalties on the part of the bank, without sending it for adjudication to the tribunals marked out by the Constitution and laws. The first clause of the Constitution declares, that 'all legislative powers, herein granted,

shall be vested in a Congress of the United States, which shall consist of a Senate, and House of Representatives.' This legislative power had vested in the Secretary of the Treasury an important discretion, to remove the deposits from the Bank of the United States. The President, consulting with his then Secretary of the Treasury, found that the Secretary did not think there was any good cause for the removal of the deposits from the Bank of the United States; and, notwithstanding a divided cabinet on the subject, dismissed the Secretary of the Treasury from office, and replaced him by one whose opinions were known to concur with his will on this subject; thus abusing his power of removal, and interfering injuriously with that discretion which the law had confided to the Secretary of the Treasury. By these assumptions and indirections, the President has done what he had no power to do directly, under the Constitution and laws of the country.

"There is not a man in America who will not deny to the President the power directly to control the public revenue unless he derives his authority from appropriations made by law.

"We, the representatives of the people, hold in our hands the purse-strings of the people's money; and fatal to their rights, and interests, and freedom,—most fatal,—will it be whenever they are surrendered into the hands of any Executive Magistrate. He has no direct authority either to raise, appropriate, or in any manner to dispose of, or use, the public revenue.

"The General Assembly do not deny, nor did he (Mr. Gordon) the power of the President, under the law, to remove from office any unworthy officer; but they do deny to the President the right to remove a faithful officer, to effect that which he had no rightful authority to effect in any way. This abuse of the power of removal, and assumption of power over the treasure of the country, was a dangerous enlargement of the power and patronage of the President,

already endangering the purity and independence of the other departments of the government, and calculated to enable the Executive Magistrate successfully to appeal to the worst passions of his partisans, instead of establishing a reliance on the purity and wisdom of his administration.

"The patronage of this government, wielded by one man, with the power of putting in and putting out at his will and pleasure some forty thousand officers and agents, great and small, to whom the immense revenues of this country are distributed, is a power, in his (Mr. Gordon's) view, utterly inconsistent with the genius of a free constitution.

"Men are not angels. 'Lead us not into temptation' was the wise and meek prayer taught by the Redeemer to fallen man. Human virtue is too frail to withstand the temptations and influence which an ambitious and reckless Chief Magistrate might wield; and the Executive Department of the Government, absorbing all the vital and essential powers of the other departments, would reduce us, in fact, with the forms of a free constitution, in effect, to a simple monarchy.

"There is already a fearful proclivity of power towards the Executive Magistrate; and if a construction be given to the Constitution by which the President would have the power to appoint and displace, at his mere will, or under the pretext of seeing that the laws were faithfully executed, I should feel that the power given to the Legislative Department of the Government was absorbed in the pretended execution of the laws, and the representatives of the people had as well hence to their idle homes. He (Mr. Gordon) did not admit that the power of removal gave a right to the President to control all the functionaries of their government in the estimate which they might make of their duties under the law; nor did a faithful execution of the law mean in all cases that there should be a wise administration of

the law. A judge may make a faithful execution of his office, and so may a Secretary of the Treasury, without carrying any great degree of wisdom into their administrations. Indeed, with a few illustrious exceptions, if a contrary doctrine is to prevail, the officers of all our governments, State and Federal, might tremble for their places. Would a judge be dismissed who gave an erroneous but conscientious judgment? Would the Legislature of Virginia, two-thirds of which have a right to remove a judge, exercise that high power because he had pronounced a judgment at variance with their own? If this new version of the President's power be admitted, then, indeed, he may be considered as holding in his hand, and exhibiting to the people and functionaries of the government, a golden ladder of preferment, with forty thousand rounds, to which so many climbers up are perpetually turning their anxious and longing eyes, the elevation or disgrace of each depending on the will of the President, from the minister who represents this great confederacy in foreign courts, down to the most inconsiderable postmaster. With such an appeal to the hopes and fears and interests of our citizens, used to effect any purpose on which the President is intent, all opposition in the nature of things must be fruitless, unless the people can be aroused to redeem their institutions from the exercise of a power inconsistent with their freedom and peace. The power of appointment and removal, even when most discreetly and forbearingly used, is a fearful discretion to confide to any one man.

"Mr. Gordon said he did not himself believe the President of the United States had an intention to usurp the liberties of his country, but he did believe his present course of action would be recorded as a monument, and some future man of ambition might become, by his example, master of the Confederacy.

"The General Assembly of Virginia have considered it as a question involving the separation of

the powers of a free constitution, and not as a question of bank or no bank.

"The Constitution of Virginia contains a provision, that the Executive, Legislative and Judicial Departments of government should be kept separate and distinct, so that neither should exercise the powers properly appertaining to the other. In the Federal Constitution the demarcations of the several departments are distinctly made. The Legislative, Executive and Judicial powers are assigned to their appropriate organs.

"The Legislative power is vested in Congress—there was none given to the President. He is not a representative of the people—he is the Executive officer, appointed by the people. His power of veto is not a legislative power—it ought to be, as it is, a mere negative. No money shall be drawn from the Treasury, without an appropriation by law, and the question was submitted to the House, as the guardian of the Treasury, if large sums of the public money have not been withdrawn from the bank without an appropriation made by law? It seemed to be contended by those who justify the course of the President, that he and the officers under him had the right to use the money of the people as they pleased in the interval between the time of its collection and the time of its appropriation. That they can place it where they will, and loan or deposit it to whom they will; and contract what those receiving it shall do in return. Let us put this to the test of ordinary transactions in private life;—an agent has power to collect money for his principal; does it therefore follow that he has the power to use it for his own purposes, lend it out, make contracts on it? Has he any other power than to collect and keep it, and pay it over to his principal as soon as possible? Try the President by this simple test, and it will be found he has used millions of the public treasure in a manner not sanctioned by the authority under which he acts. The

public revenue on deposit, I suppose, usually amounts to between seven and eight millions of dollars, and the fair interest for its use is worth nearly half a million dollars annually. Can any one be so blind as not to see the influence and power which such a use of the revenues of the country must add to the already too extensive patronage of the President? Is it deemed that the President, or those who surround him, have a right to remove the revenue from the places appointed by law, except in a manner prescribed by law? In this whole matter the President had no direct authority to act.

"Mr. Gordon said there was another great principle of freedom invaded, which he never would surrender. He claimed as a freeman, as a citizen of Virginia, one of the members of this great confederated Union, either by himself, or his representative, to tax himself. It was a great principle of English liberty, that taxes were the free gift and grant of the Commons; and he believed if the King of England should at any time invade or impair this right, he would hear from his indignant subjects that no more taxes would be paid until there was a reform. He insisted that as Congress only could raise revenue, so also could they alone direct everything appertaining to the revenue, both as to its preservation and distribution.

"Mr. Gordon said he claimed, as a representative of the people, of those who gave him public leave to speak in their behalf, to act as sentinel over the public treasure—a post he would never yield, so long as he was worthy to speak in the name of those who sent him. He greatly regretted,—he considered it one of the evil omens of the times, and high as was his respect for the distinguished body of which he was a member, he could not but deeply lament, that on such a question,—on a question of taxation, of liberty,—a majority of the immediate representatives of the people are seen rallying to the side of power.

He was deeply mortified that the Congress of the United States had not, unanimously, instantly reproved this perversion of Executive authority; and although he had not intention to make any illiberal imputation on the members of Congress, who were, he doubted not, as honorable, as a body, as could anywhere be found, yet he would say that if the people of the country sustained their representatives in yielding to this overwhelming Executive power, he should consider that the liberties attempted to be secured by this constitution were gone forever.

"Mr. Gordon said the occasion was a fit one to take a rapid glance at the past course of the ancient Commonwealth of Virginia in relation to this Government. She had ever contended for a strict construction and faithful execution of the limited, though extensive, powers delegated by the compact to Federal functionaries. Jealous of power everywhere,—diffusing and limiting it in her own government, she has looked always with apprehension on its too great accumulation in any of the departments of this Government. Her warning voice has often been heard on this floor in reproof of undelegated authority in the legislative department of Government. During the administration immediately preceding this, she thought she perceived, in the assertion of powers in this Government by the then Chief Magistrate, an alarming tendency to consolidation of all the powers of the States in this Federal head; and although these assertions of authority were not carried out into action, she rallied in opposition to their bare assertion, and gave her support to the present Chief Magistrate, under the confident hope that he would administer the Government in a spirit of moderation, according to the Constitution, and bear himself with a meekness and simplicity in his high office, congenial to the spirit of our institutions, and thus adorning the high military reputation by which he had attracted the admiration of his coun-

trymen. By her powerful aid the present Chief Magistrate was elected; and for the first years of his administration she stood almost in solid phalanx supporting all his great measures.

"But it has been with a feeling of deep mortification that she perceived, after the second election of the present Chief Magistrate, in which she so heartily coöperated, a disposition to enlarge his authority, and to administer the powers conferred on him in a harsh and overstrained manner.

"Those of us who stood here last year well remember the universal satisfaction which the message of the Chief Magistrate, at the opening of the session, diffused over the entire south. It conformed, more than almost any paper ever sent to this House, with the feeling of moderation and principles of government always cherished by the Commonwealth of Virginia. In some of its recommendations it recognized the principles of the nullification of South Carolina, the *ultima thule* of State-Rights. It was calculated to destroy nullification itself, by curing all those evils for which its advocates contended it was the rightful remedy.

"But what are mortal hopes? The smoothness produced in our affairs by this message in six short days was ruffled by the storm engendered by that fatal proclamation, so hateful to all lovers of a free confederacy of the States; denouncing as traitors those who professed and paid allegiance to the laws of the State that gave them birth when in contact with the federal authority,—and that proclamation followed up by a special and argumentative message, claiming for this Government of delegated and limited authority unlimited power over the States, as parties delegating that authority—and this message, sustained and ratified by the legislative department, by a grant of the whole military and naval and fiscal power of the Government, to prostrate a gallant and talented State of this Confederacy, who had dared to

stand for the restoration of long-lost rights, and remonstrate against unconstitutional taxation. When we saw a majority of this House and the other voting that declaration of war against all the States, which throws the sword before the judgment of the courts, and subjects this once free confederacy to martial law at the will of the President and his collectors, the Commonwealth of Virginia whose constitution consecrates the trial by jury, by declaring that it should be held sacred—when we saw and felt these things, it was impossible not to recoil from them; and now, after having compromised and for a time settled the conflicts of interest and opinion which gave rise to these hateful measures, and after the country had become in a great degree composed and at peace, the President of the United States in the wantonness of power has struck a blow on the financial affairs of this country, the fearful vibrations of which are heard and felt to the extremities of the Confederacy. He had given the death-blow to the Bank of the United States by his veto; it would have died, it must have died, because the President's tenure of office was longer than that of the charter of the Bank. But the President, sixty days before the meeting of Congress, without any public necessity, had done a deed of fearful note. In a community of five hundred banks, with a paper circulation interwoven with every interest of society and affording the actual currency of the whole Confederacy; carrying on all the exchanges, foreign and domestic, of this great continent of States; ministering to the commercial, manufacturing and agricultural industry and enterprise of the country—over the varied and complicated strings of such an instrument he has thrown his gigantic but unskillful hands; and the dissonant and jarring sounds which he has produced return upon his ear, and discompose the nerves of the whole community.

"These resolutions of the General Assembly of

Virginia deny to Congress the constitutional power to make a Bank of the United States; in which he (Mr. Gordon) entirely concurred. For on a former occasion he had voted against rechartering the bank; and at the last session he had voted against the resolution in reference to the safety of the deposits in the Bank of the United States,—not because he considered them unsafe, but because he had no opportunity from the late period of the session to examine the subject; and he feared the resolution would aid the Bank in a future effort for a charter. On his part that was a mere negative vote. He felt that on presenting these resolutions and delivering his own views of the powers of this government, he was performing no very acceptable service to any large party in this House. He believed the question of bank or no bank must arise before the session terminates; and when it does, he would be found standing by his native State, on the narrow isthmus which she occupied, in strenuous though unavailing efforts to roll back the waves of legislative or executive encroachment on the Constitution and liberties of his country. But whilst he believed that Congress had no constitutional power to incorporate a bank, it should not and does not mitigate the conduct of the President for an unconstitutional violation of its chartered and vested rights. He confessed that the doctrines and practices of the Chief Magistrate had greatly alarmed his mind; he believed if the President had properly construed his right of removal, and that by its exercise he could control all the officers of Government in the discharge of their duties under the law, and that a difference of opinion with him is a just cause of removal from office, all the other departments of the Government must fade away under the gigantic powers given to the President, and the people awake from their dream of liberty to find that, instead of an association of free and confederate States, they had in fact erected a despotism, whose horrid features

had not been visible until the veil was withdrawn by the President.

"But it cannot be. The power of removal does not rightfully imply a power of control and direction; otherwise the President to all intents and purposes would be the Government, and there is no effective limit to his authority either under the law or the Constitution. He (Mr. Gordon) knew that the advocates of power were never at a loss for precedents; they are an inclined plane down which every government has slid into despotism,—and it was the duty of Congress to inquire whether this power of removal was a power conferred by the Constitution, or implied, and given by the legislative department,—and in either case to curb and keep it within strict limits. Mr. Gordon trusted that good would arise out of evil; that this rash and inconsiderate conduct on the part of the President would ultimately tend to place the Government on surer and safer foundations;—and that when it was found in practice that there had been an unequal share in the distribution of the powers of this Government, given to or assumed by the President, those for whom the Government was established would in either case apply the remedy. Mr. Gordon said that, in regard to the present expediency and wisdom of the course of the Administration, there would amongst all those who would extend their view to the whole circle of our affairs, be but one opinion. In this young and growing country, comprehending a territory as large as Europe, in rapid career of advancement, deficient in nothing but capital and labor—and the efforts to increase both had eventuated in giving to the United States that most extended system of banks and paper circulation, said to amount to five hundred banks and nearly one hundred millions of paper circulation,—the credit of these banks and this currency, dependent entirely upon public confidence, was as delicate as the sensitive plant, and had shrunk from the rude touch

of unauthorized power. The President had destroyed the public confidence in the public currency, and the consequence was universal clamor and almost universal despondency.

"He said he felt proud of the position which the Commonwealth of Virginia occupied; he trusted that her continued efforts in the cause of constitutional liberty would redound to the peace and honor of the Confederacy. Asking nothing for herself, her most fervent wish was to see this part of the Government guided according to those constitutional landmarks, in the establishment of which she had had some agency; and, in conclusion, he trusted that he might be permitted, without offence to any, to say that the Commonwealth of Virginia was happy in the purity of her own principles and purposes, sufficiently rich in the spontaneous gratitude which on all great occasions she had excited in her sisters of the Confederacy, and glorious in being the disinterested creditor of mankind in the large advances and generous examples she had made in the cause of freedom."

CHAPTER XV

IN CONGRESS—ORIGINATES THE INDEPENDENT TREASURY

Gordon's speech on the Virginia Resolutions condemning the removal of the deposits had been made *con amore.* A month earlier he had written to Mrs. Gordon:

"We are still in great excitement in Congress. When it will subside I know not. The Administration I think is overthrown. They cannot carry on the Government."

But he underestimated the entrenched power and ability of Jackson. On the 14th of April, 1834, he had grown despondent, and wrote:

"We have no mitigation here of our anxiety for the state of the country. The ruinous course pursued by the President is developing every day the folly of the measure. Three banks in the District within the last three or four days have stopped payment; and I very much fear that most of the State banks in the Union will have the same fate. The ruin to individuals will be appalling."

He was now well out of any sort of sympathy with the party of the Jacksonian Democracy,—a situation to which he refers in the same letter: "I am getting tired of this kind of public life, though I have no apprehension that my kind constituents will discard me for having the sagacity to see their interest, and firmness enough to pursue it. On the contrary, I have no doubt that the shouts of applause which so recently have been raised in favor of the advocates of

power will be turned into curses deep and loud. The conduct of the Executive in this matter is without a parallel for its folly."

In Virginia, as throughout the Union, the removal of the deposits had created great excitement. The Secretary of the Treasury had set out in detail in his report to Congress on December 3, 1833, the reasons for issuing the order of removal; and the debates which ensued in both the Senate and the House of Representatives, continuing for months, are said to have illustrated an ability and warmth never before displayed in a congressional discussion.

"The people caught the excitement," says Mr. Hugh Blair Grigsby, in his "Discourse on Tazewell," "and public meetings were held in all the commercial cities; and memorials were forwarded to Congress urging the immediate restoration of the deposits to the vaults of the bank. Each memorial, as it was received by a Senator or Representative, was honored with a speech from some master spirit. And now the most menacing monetary crisis occurred which the country had ever seen. In a little less or more than six months the Bank of the United States had shortened its line of discounts ten millions of dollars; and all the State banks in self-defense were compelled to follow the example of that great institution. Confidence ceased to exist. No man in business could look ahead a single day without fear and trembling. Men spoke in whispers, and walked doubtfully as if the earth might quake beneath their feet. The result was a change in the party relations of those who lived in towns without a parallel in our history. And it was soon seen that a new party was forming, in comparison of which the *tertium quid* of Jefferson's administration was a mere bubble floating on the surface of the stream. In that tempest was rocked the cradle of that large and intellectual party, which assumed the appellation of Whig, which won some splendid victories, which encountered some decisive

defeats, which then slept awhile, and which has recently burnished its armor anew for a fresh campaign. (1860.)

"Richmond set the example among us of holding meetings of the people, with a view of urging the restoration of the deposits to the Bank. Watkins Leigh and Chapman Johnson made on that occasion an appeal to the people of Virginia in favor of a restoration, which was heard from so respectable a source with the attention it deserved. The Assembly, then in session, which when elected had been favorable to the administration of Jackson, faltered in their faith, instructed the Senators in Congress to vote for a restoration of the deposits, and on the resignation of Mr. Rives, who upheld the policy of the Administration, elected Mr. Leigh in his stead. Even the *Richmond Enquirer,* its polar star momentarily obscured, was tossing helplessly on that tempestuous sea.

"In this state of things, some of the citizens of Norfolk, of both parties, as those parties had previously stood, highly distinguished by social position, by talents, by wealth, and by their intimate connection with our banking institutions, called on Mr. Tazewell, and requested him to take the chair at a public meeting to be held on the 8th of January, 1834. He consented to do so, and on taking the chair delivered one of the most graceful, most nervous, and most eloquent speeches that ever fell from his lips. In language not to be misunderstood, he denounced the act of removing the deposits from the Bank of the United States, advised their immediate restoration, and condemned the whole series of the measures of the President of the United States in relation thereto. A gentleman happening to be present who had heard Canning, Brougham and Sir Robert Peel from the hustings and in the House of Commons, declared that the speech of Mr. Tazewell fully equalled their grandest efforts on such occasions; and

all who heard it pronounced it a wonderful work of argument, eloquence, and declamation combined. A few days after the meeting, Mr. Tazewell was elected Governor of the Commonwealth."

Upon the reassembling of the 23d Congress in December, 1834, regulations were made to govern the deposit of the public moneys in the State banks. The use of the State banks as depositories had begun in October, 1833; so that from this date to the passage in 1835 of the acts regulating the government deposits, the public moneys were practically under the complete control of the President and the Secretary of the Treasury. The Secretary of the Treasury selected these banks according to his own notion; and an immediate result of the removal of the deposits, and the failure to re-charter the Bank of the United States, was the springing up of what has been called "a mushroom crop" of local banks, all eager to obtain the Government's patronage as a basis for their discounts.

During the session of 1834-35, Gordon, moved by the uncertainty of the Government's financial depositories, and seeking, with what Mr. Calhoun in private conversation said was "the inspiration of genius in statesmanship," to have the government keep its own moneys in its own control and subject to its own purposes, through its public officials, and thus to separate the public business of the government revenues from the private business of the money-market, devised and proposed to the Congress of the United States the scheme of the Independent Treasury, or Sub-Treasury System,—a financial plan of government which gave to its author, after its later adoption, the soubriquet of "Sub-Treasury Gordon."

The measure was one of much simplicity, as are most of the great measures of governmental policy or of social life. The effect of it was to separate the fiscal concerns of government from those of the private banking corporations of the country, on the

theory that Congress should have nothing to do with the money-market, except to see that the makers of a credit currency shall redeem their promises in coin or go out of business. Gordon believed that this was the duty of the Government, and that there its duty ended.

Gordon's Sub-Treasury Bill provided that the revenues of the Government should be left in the hands of the collecting officers, or assistant treasurers, throughout the country, to be disbursed, transferred and accounted for to the Secretary of the Treasury. The fidelity of the Government's agents was to be secured by bonds.

Of its successful operation when finally adopted, and after a brief trial, Alexander Johnston, one of the fairest and most judicial historians of this country, has said:

"It inflicted no damage upon the State banks, or upon business at large; it did not increase the number of offices at the disposal of the President and his party, or the power of the President over the commercial interests of the country; it laid no 'corner-stone of despotism'; its practical operation was much more smooth and successful than might have been anticipated in a civil service already so far debased; and it plainly relieved the Government from any except indirect and remote consequences of suspension of specie payments by the banks, and the country from the difficulties and dangers incident to the control of a national bank by a representative body. Its passage opened a hitherto unthought of door of escape from a national bank so inviting that it would have been foolish for the dominant party not to have availed itself of it, and so convenient when tried, that it would have been impossible on a fair test to induce the country to retrace its steps. Only the momentum of the Whig party proper, acquired by years of struggle for a national bank, compelled its leaders to

keep up for a time a contest whose futility they were quick to perceive. The first successful execution of the Independent Treasury act made a national bank an impossibility with general popular consent, and completed the divorce of bank and state."

On the 20th day of June, 1834, Gordon addressed the House of Representatives upon his bill to establish an Independent Treasury. The proposition came up upon the motion made by him to amend the Local Bank Deposit Regulation Bill, then before the House, by striking out all of the said bill after the enacting clause, and inserting the following:

"1. That from and after the.....day of..... in the year....., the collectors of the public revenue at places where the sums collected shall not exceed the sum of.....dollars per annum, shall be the agents of the Treasurer to keep and disburse the same, and be subject to such rules and regulations and give such bond and security as he shall prescribe for the faithful execution of their office; and shall receive, in addition to the compensation now allowed by law.....per centum on the sums disbursed; so that it does not exceed the sum of.....dollars per annum.

"2. And be it further enacted, That at all places where the amount of public revenue collected shall exceed the sum of.....dollars per annum, there shall be appointed by the President, by and with the advice and consent of the Senate, receivers of the public revenue, to be agents of the Treasurer, who shall give such bond and security to keep and disburse the public revenue, and be subject to such rules and regulations as the Treasurer shall prescribe, and shall receive for their services.....per centum per annum on the sum disbursed: provided it does not exceed the sum of.....dollars per annum.

"3. And be it further enacted, That from and after the.....day of.....the whole revenue of

the United States, derived from the customs, of lands, or other sources, shall be paid in the current coins of the United States."

In Benton's "Abridged Debates of Congress" the author of the proposed amendment is reported as having spoken as follows:

"Mr. Gordon said that it was due to that portion of the House who were opposed to the re-charter of the United States Bank, and who, nevertheless, disapproved of the course of the Executive in removing the deposits, that some of their number should submit a plan which should be conformed to their views of this very important question. It seemed to be a point given up, that the present Bank of the United States was not to be re-chartered; and that so far as the action of that House was concerned, the deposits were not to be restored to the custody of that institution; and a scheme had thereupon been devised, which seemed as unsatisfactory to the friends as to the opponents of the measure, by which the public money had been withdrawn from the bank. It was said to be the opinion of the President that it was extremely desirable the revenue of the United States should be collected in specie and not in paper; and in connection with which opinion the House had heard a new name applied to specie: it had been called 'Jackson money.' He now called upon all who were in favor of 'Jackson money' to go with him in support of the old-fashioned, constitutional notion of a hard-money government. His object was to disconnect the Government entirely from the system of banks, whether State or Federal. It must be obvious to every man acquainted with the times, that the country could not get on with its present paper circulation. The Bank of the United States, the great federal monster, closed its doors against all investigation of its concerns; and to rely upon such an institu-

tion was to sap the foundations of public liberty. The advocates of the State banks could not propose a system that was satisfactory even to themselves. All attempts to control State banks were contrary to the Constitution. All the House could do was to restore the public deposits to the authority of the Treasurer of the United States. They had no right to commit their funds to the State banks; they formed an instrument of power which he should be very sorry to see put in the hands of the Government. The country was in a very unfortunate condition. An interminable war had been declared by the President of the United States against the Bank of the United States; but who could doubt that a very different state of things would have taken place, if the bank had thrown its vast power into the aid of the Executive? And should he succeed in substituting any combination of banks in its stead, and consequently in obtaining a control over their interests, it could not but prove a most dangerous instrument in the hands of any Chief Magistrate. It would enable him to tamper with the pecuniary affairs of the States; and though its management might require more address than would be requisite to attain the control of a single institution, yet the consequences would be equally dangerous to the security of liberty. Whichever way the friends of a united and constitutional government turned their eyes, they saw equal dangers in the prospects before them. Let them, then, endeavor to simplify the fiscal machine; let them endeavor to get a simple system, which should be subject to the control of Government alone (he meant, the control of Congress,) and which should be wholly disconnected with all paper money of every description. If the various and conflicting opinions of the House could thus be compromised, an achievement would be effected in favor of a limited and constitutional Government such as had never been witnessed before. It must be

evident to all, that the whole tendency of government was to accumulate power. Whenever an election of President was approaching (and when was it at a great distance?) all great questions of policy were made to bear upon that all-agitating topic. All good men began to tremble for our institutions. Amidst the strife and rude war of such mighty interests, virtue and patriotism shrank back in dismay. But would gentlemen make no effort to diminish this danger? Must there still be a war against internal improvements, a war against the tariff, a war against the Bank of the United States, or against the State banks, altogether distinct from any regard to the happiness of the people? Were the President and the Bank to be left in deadly conflict? Must there be no end to these political contests? Who could go home and leave things in their present condition, and not apprehend the worst consequences? He called upon the House to make a generous, magnanimous effort to free the country; he invited, he invoked them, to give up something of their party prejudices, and to unite together to steer in a safe middle course the vessel of state, now in such imminent danger of rocks on the one side and whirlpools on the other.

"He observed that the measure he had proposed was one of extreme simplicity. He should not now attempt to go into the details which belonged to it; if the principle were approved, the details might be easily arranged. He simply proposed to make those who received the revenue the agents for its custody, when not exceeding a given amount, and constituting them the agents, also, for its disbursement. He was aware, indeed, that the members of the House had so long been in the habit of considering matters of revenue as matters pertaining to a bank, that it was difficult, perhaps, for them to admit of any other idea. But Mr. Gordon did not propose to interfere with the banking principle; he had nothing to do with their notes, whether small or large. Let them

regulate that as they could. He did not interfere with the Bank of the United States. He went only for what was originally intended, and what alone was contemplated by the framers of the Constitution, viz: that the revenue should be collected in coin. Coin was the only legal tender now, yet the Government had made paper substantially such. He was for putting an end to this. He was most clearly of opinion that the hard-money system was the simplest and best the Government could ultimately adopt. There might be some objections urged against it. Some gentlemen might apprehend that it would withdraw too large an amount from circulation. But this objection was not well founded. As the duties on imports should decrease, the amount of surplus revenue would be less and less; it would soon be but a few millions. It might be said that the transfers of money would not be made as easily as by a federal bank with branches. All that would be requisite would be drafts from the Treasury, specifying the place where the money should be paid. These drafts would not be at premium, but would pass as money. They would be a substitute for bank paper, and the Government would thus be delivered from its connection with the system of banking; a system which all knew to have a corrupting tendency, and which must be a perpetual instrument of party spirit. The whole world recognized gold and silver as the representative of property; it was the only real money in existence. He hoped to see it the money of this government."

The report of this speech adds, "The amendment of Mr. Gordon was ordered to be printed." His invocation to the patriotism of the House, and his appeal that its members should rise superior to the passions and prejudices of party, were in vain. Neither Jacksonian Democracy nor the heterogeneous aggregation of Whiggery would touch the proposi-

tion. The amendment, when put upon its passage, was overwhelmingly defeated in the House.

Benton, in the Senate debate on the Sub-Treasury Bill, in September, 1837, when the measure had been made an administration one by President VanBuren, gave as the reason for its rejection by the Congress of 1834-35 that Jackson's administration could not afford to antagonize the local banks. In reply to Mr. Rives, then Senator from Virginia, and always a relentless opponent of the Independent Treasury, Senator Benton said:

"The Senator from Virginia (Mr. Rives) repeats what has been often told and answered, that the friends of the Administration voted in a body against Mr. Gordon's Sub-Treasury proposition in 1834. They did so, and for a reason both notorious and good at that time, but not good now. The Administration could not cut loose from the local banks then; they were allies against the Bank of the United States and, as such, had to be saved. They were the *Half-Way House* in getting from the National Bank to the Sub-Treasury; and as such had to be maintained. They are no longer allies, but foes and deserters. They have cut loose from the government, and are weight in favor of a national bank; and as such, the government is now done with them. It was expedient to maintain the connection in 1834; it is expedient to let it remain dissolved now."

Though lost in 1834 and again in 1835, its author lived to see the ample vindication of his political and financial wisdom in the origination of this great statute, upon which his largest fame as a statesman is entitled to rest, in the later adoption by President VanBuren of the Sub-Treasury scheme as a party measure and a rallying cry, and his party's persistent efforts for its enactment into law until its final adoption. It was VanBuren's espousal of the cause

of the Independent Treasury that moved Calhoun, the master spirit of the State-Rights Democrats, and those who thought with him, like Gordon, to abandon the Whig association, and return to the Democracy. "Much time," says VonHolst, in his "Life of Calhoun," "was to elapse ere justice was rendered Calhoun with regard to the course he saw fit to pursue upon the leading question of the day—President VanBuren's Sub-Treasury scheme, which was to sever entirely and forever the connection between the Government and banks of every description. It was but natural that the Whigs were deeply chagrined to see Calhoun part company with them in the moment when, as he himself freely admitted, the continuance of the alliance would have led to the overthrow of the Administration party; but they had no right to expect anything else from him. He was not guilty of any treachery, nor could he be justly charged with inconsistency, though in 1835 (1834), when the Sub-Treasury scheme was first introduced by General Gordon, he had declared it 'premature,' and in 1836, when the proposition was renewed by Benton, 'impracticable at the time,' nay even though he had himself proposed the establishment of a United States Bank for twelve years 'as a better and more practical plan to unbank the banks.' "

Neither Calhoun nor Gordon had ever been a Whig. They had associated themselves with the Whig party for the single purpose of opposing the autocracy and unconstitutional usurpations of Jackson. They had always belonged to the party of strict construction; and they returned together to the Democratic ranks upon a fiscal scheme that took the hand of the Government off the State banks on the one side, while it prevented on the other the possible alliance between a national administration and a national bank.

In 1835 Gordon again introduced his Sub-Treasury Bill; and it was again defeated.

In September, 1837, the twenty-fifth Congress was convened in extra session. Martin VanBuren was President, and the Calhoun Democrats were supporting the new administration. The President's message, which his ablest biographer, Mr. Edward M. Shepard, in his "Life" in the "American Statesmen Series," characterizes as "a message which marks the zenith of his political wisdom," and as "one of the greatest of American State papers," recommended the adoption by Congress of the Independent Treasury. When proposed by the Democratic administration, the Whigs assailed it as an endeavor to break down all the banks in the country; and some of the Jackson Democrats, calling themselves "Conservatives," and generally voting with the Whigs in financial matters, led in the Senate by Mr. Rives of Virginia, and Mr. Tallmadge of New York, also opposed it. Gordon, whose career in Congress had ended with the close of his third term in 1835, watched from his home in Albemarle the fight that was being waged in the national legislature about his great project, where on the floor of the House of Representatives some of the little band of its supporters in 1834 and 1835 still remembered him and his measure, to eulogize both. In the debate in the House, in committee of the whole on the state of the Union in 1837, Francis W. Pickens of South Carolina, who, as Governor of that State something over two decades later, gave the order to fire upon Fort Sumter, said in the course of a speech advocating the bill for a Sub-Treasury:

"But I have said, sir, that I felt myself somewhat committed on this subject. In 1835 a friend of mine from Virginia (Mr. Gordon), not now a member of this House,—and I will here take occasion to say of him that he is a gentleman who would have done honor to Virginia in her proudest days of glory and fame—presented the very identical proposition to this House which is

embraced in the bill on your table. For that proposition, sir, I then voted. I acted from reflection, and from a conscientious conviction of the effects of that measure to bring about honesty in the Government and to secure the independence of the people. True I was then but a very young man, and had but for a few weeks taken my seat in this House. Yet, sir, I had made up my opinion from observation and reflection. And although young, yet, to use the language applied to another, I was old enough *'Acta parentum jam legere, et quae sit poterat cognoscere virtus.'*

"Sir, I had formed my judgment then, and have not yielded it since. On the contrary, the experience between then and now has only tended to confirm my conviction. I desire the Clerk to read the proposition and the vote upon it. * * *

"I will now quote a paragraph from the speech of the mover of the proposition, made at the time, as illustrating the views under which we acted, which too truly portrays what has really happened since, and what I fear we will again see if the system be continued. Mr. Gordon said: 'There is another consideration which has induced me to offer this amendment. We may all very plainly see that the contest for the Executive office is the rock on which the permanency of this republic is likely to be wrecked. And the vehemence of this contest will ever be in proportion to the Executive patronage. But for this, the office would have no allurements but for virtuous ambition; but with this concomitant it exerts an influence which may one day prove fatal to the federal part of our system. If we do not separate the influence of the Executive from the interests of banking corporations, we shall have another controversy on the subject of banks. The political will be united with the money power; the contest must come; it will come. You will witness a struggle in this Capitol between State banks and Federal banks;

and the combatants for the President's chair will be found contending in different ranks of interest and influence, whilst they mar the peace of the country, and shake the pillars of the Constitution. Separate them, I beseech you, representatives of the American people, if you wish to put down this fearful contest for the Presidential chair—I had almost said Presidential throne; separate, I beseech you, banking and politics. Let the banks facilitate the exchanges of commerce, and further the interests of trade; but let them, I pray you, have nothing to do with the Government.' "

CHAPTER XVI

GORDON'S SPEECH IN 1835 ON AGAIN PROPOSING THE INDEPENDENT TREASURY

Upon its re-introduction by him in the House of Representatives, again as an amendment to the Bank-Deposit Bill, on the 10th of February, 1835, Gordon addressed the House in greater detail upon the significance and effect of his measure. The official report of his speech states that "When Mr. Gordon had offered his amendment, he addressed the House as follows:

"In presenting the amendment which has just been read, I candidly acknowledge that I do not at this time entertain a very distinct hope of obtaining in its favor the votes of a majority of this body. I presented, at the last session, a similar amendment to a bill then pending; and I was induced to do so by the deep interest felt, both here and elsewhere, in the discussions which were then carried on in Congress, touching the management of the public revenue. When, within sixty days of the meeting of the Congress of the United States, I beheld the extraordinary spectacle of the executive head of this confederacy attempting, through his power of appointment, and the practice of removal from office, to control and regulate the deposits of the public revenue, it did, I confess, awaken in my mind feelings of the deepest surprise and alarm.

"In the controversy which was so warmly prosecuted in this House in relation to the subject, the members of Congress were divided into two parties—one in favor of the continuance of the Bank of the United States, and of giving to it the custody of the

public revenue; another in defence of the executive interference, in its removal, and of substituting the banks of the different States. I was one of a small class of Representatives on this floor opposed to the Bank of the United States, both because it was unconstitutional, and is an institution capable of wielding a power dangerous to republican government, and also opposed to the executive interference in any way with the revenues of the people, because I considered it to be a vital principle in all free governments, that the revenue must, in all respects, be under the control of the people or their representatives, to whom alone it pertained to say how it shall be raised and collected, by whom it shall be paid, how it shall be disbursed, to what uses it shall be applied, and by whom and where it shall be kept.

"It was argued by the friends of the Executive, that such an institution as the United States Bank was dangerous to a free government, from its extensive and powerful influence, as well over the public opinion as over the public interest. I concur in this opinion, and rejoice that the Bank is to be put down, but I nevertheless entirely disapprove of the executive interference, in causing the public money to be removed from the custody where the law had placed it, to the State banks, where the law did not direct it should be placed, and because the power and influence of a multitude of State banks, scattered over every portion of the country, dependent on the executive will, would be a dangerous extension of the patronage of the Executive, especially as the custody and control of the revenue were claimed by the friends of the Administration, in this behalf, as an executive power derived from the Constitution itself. Perceiving, I thought, that the scheme of the Executive would result in evils not then anticipated, I looked out with anxiety to discover some plan by which the Federal Government might be wholly disconnected from the

organized capital of the country, whether in a national or in State banks. And after much reflection and consultation with wise and experienced men, I proposed to effect it by an amendment to the bill then pending, and presented it to the consideration of Congress; and I now venture once more to submit it to the notice of this body.

"In taking this step, I am actuated by higher considerations than a regard simply to the safe keeping of the public treasure. I verily believe, and I think experience will convince the most incredulous Republican, that the wise and patriotic framers of our Constitution have unintentionally given to the executive power a fearful and dangerous ascendency, which makes it an overbalance to all the other departments of Government. Limited and circumscribed with the constitutional limits, it is a power too great to be confided with safety to any human being. According to the new construction placed upon its extent by the present incumbent, and his supporters in his behalf, it is a mass of power such as the beneficent Author of the world could alone wield without danger to human liberty. What is this body? What are the representatives of the American people? Before the might of the executive arm they yield as a rush. When that exalted officer unrolls the scroll of his might, when he exhibits to their anxious eyes the endless roll of honorable and profitable appointments which await his pleasure, who among us possesses the firmness to turn with averted eyes from the golden bait of interest and power? And who can sustain the erectness of his spirit after he has reached the goal of his ambition, when he feels that he holds his station by the will of one man? And when it has become the practice of the Government to appoint to the highest of those places influential and devoted members of this body, can any man expect that a majority of its members should long stand up against the influence of this proud and

seducing power thus exerted? Let it not be thought that I have any wish to speak unkindly of the present distinguished incumbent of the executive chair. I contributed my humble aid to elevate him to the seat he occupies, and in many, in most of his acts, he has my entire concurrence. But I have seen of late, under his construction of the Constitution, and the support which his doctrine and his course have received, the liberties of this country brought, as I conceive, to the most imminent danger. Owing to the attachment of my country to one whom they consider as their great and distinguished benefactor, the whole land seems to be sleeping in a condition which, unless we arouse and exert ourselves, may prove the sleep of depotism.

"Mr. Speaker, this Representative hall presents, or ought to present, the true and legitimate fountain of public opinion. It is here that the representative of the people should take his stand in defence of the liberty of the people and his own rights, against the overshadowing influence of executive power. But, sir, how is it that we have stood upon this floor, and what is the resistance which we have presented to executive claims? By pleading the practice of the Government during former years, in minor instances, to justify the extraordinary spectacle of the Chief Executive Magistrate of this Republic controlling, by a single act of his will, the whole revenue of the country. In my recollection of English history, I remember no instance where a question has arisen affecting immediately the rights of the people, invaded by the King, that the English Commons have not been true to the people's interest, against the unjust pretensions of the Crown. But here, sir, within these walls, I regret that on almost the first great question which has arisen affecting the dearest rights of the people, directly invaded by executive power, a majority of the immediate representatives of the people are seen rallying on the side

of power. Still, had the act of the President, though to my mind plainly wrong and unauthorized, resulted in an equal and beneficial diffusion of the public revenues through the different portions of the Republic, we might have found some room for palliation of the illegality of the act in its beneficence. If we could not approve, we might at least have excused it. But what, sir, in fact, has been the actual result of this new and beautiful arrangement of our fiscal concerns, so highly lauded by the talented and amiable chairman of the Committee of Ways and Means? Of the twenty-four millions which constitute the gross amount of our revenue received from the customs, more than thirteen millions, being collected in one seaport, are deposited in the banks of a single State, while the other twenty-three States are left to get such fragments of the residue as chance or favor may throw into their lot. Yes, sir, while the great State of New York, so justly styled the Empire State, in addition to all her other advantages, natural and political, has her banking capital increased by the accession of more than thirteen millions of dollars, by a single wave of the executive arm, Virginia, the Old Dominion, receives from the same arrangement a little more, in gross revenue, than two hundred thousand dollars. Ay, sir, that ancient Commonwealth that has borne the battle and the breeze, which in all emergencies of this Republic, if not foremost, has ever been found in the front rank in its defence, in this distribution of the Federal loaves and fishes, puts into her coffers two hundred thousand dollars, while the great State of New York, with her army of Representatives on this floor, and all her preponderating weight in the councils of this nation, receives the modest and inconsiderable sum of thirteen millions of dollars. Whenever I think of this distribution, it reminds me of Aesop's fable of the beasts who hunted with the lion in company. We all know how the spoil was divided then, and it

is not difficult now to tell who it is that has received the lion's share.

"The proposition I have presented is intended to remedy these inequalities. Sir, I have said that the Executive, in this Government, was too strong for the other departments, from its legitimate constitutional power. Commander-in-chief of the army, of the navy; controlling, in a great degree, the Land and the Indian Departments, the Post Office Department, the offices of the customs, the jobs and contracts authorized by law,—when you superadd to the executive patronage this power of dispensing the revenue to whatever portion of the country he may please, you yield a fearful and highly dangerous extension of an authority never, in its simplest form, sufficiently guarded or circumscribed. The great man of Virginia, Patrick Henry,—a political seer who looked far down the stream of time, and who foretold with prophetic truth the tendencies of this Government,—uttered in the convention of Virginia which adopted the Federal Constitution, this sententious maxim of political wisdom: 'When you give power, you know not what you give.' Sir, it is most true. When you give power to a Secretary of the Treasury (we know of what stuff they are made) to transfer at pleasure the deposits of the revenue to such banks as may most successfully court his favor, you are adding to the President of the United States, whose creature he is,—and that, by the legislation of this House,—a most tremendous and gigantic power. And how is it to be exercised? Is there to be no inequality? Yes, sir, the States of the South, and those whose representation is weak upon this floor, are to get nothing, although it is their agriculture which furnishes two-thirds of the entire amount of our commerical exports. Sir, you compromised the controversy about the tariff, but if the whole of the States of this Union are to be taxed for the exclusive benefit of the bankers and brokers

of New York, you are imposing upon the people a burden even worse than that of the tariff itself. Unjust and oppressive as that was, it had still something alluring about it in the encouragement of our own fabrications; in the arts which adorn and the arms which defend our country—an object which, could it be effected with fairness, and without oppression, the South would rejoice in. But it is a most gloomy prospect to contemplate, that more than half of the revenue derived from the customs of this vast country shall go into the coffers of New York. Sir, that Empire State, with this fearful addition to all her natural and commercial advantages, will grow too powerful for this Confederacy. That will happen with respect to her which Maryland feared would happen as to Virginia, unless she should consent to cede her western domain. Sir, Virginia put those fears to flight. With a view to preserve the equality of the States, she did cede her western domain, to be formed into States equal and free as herself; for, true to principle, she has always preferred liberty to power.

"The State of New York possesses great natural advantages, improved by the enterprise of her citizens and the wisdom of her councils. At this I rejoice. Her position is most felicitous. Extensive in territory, with the lakes on one border and the Atlantic Ocean on the other, binding to her closely by ties of interest whole States of the confederacy, she is possessed of commercial advantages to which she is fairly entitled, and of which I would not wish to deprive her. But I would not swell her prosperity by political regulations calculated to give her a fearful preponderancy; for should the political power of the President drift to a union with the commercial power of New York, they will present a combination ominous to freedom.

"There is another consideration which has induced me to offer this amendment. We may all very

plainly see that the contest for the executive office is the rock on which the permanency of this republic is likely to be wrecked, and the vehemence of this contest will ever be in proportion to the executive patronage. But for this, the office would have no allurements save for virtuous ambition; but, with this concomitant, it exerts an influence which may one day prove fatal to the federal part of our system. If we do not separate the influence of the Executive from the interest of banking corporations we shall have another controversy on the subject of banks. The political will be united with the money power. The contest must come—it will come. You will witness a struggle in this Capitol between State banks and Federal banks, and the combatants for the President's chair will be found contending in different ranks of interest and influence, whilst they mar the peace of the country and shake the pillars of the Constitution. Separate, then, I beseech you, Representatives of the American people, if you wish to put down this fearful contest for the Presidential chair—I had almost said Presidential throne—separate, I beseech you, banking and politics. Let the banks facilitate the exchanges of commerce and further the interests of trade; but let them, I pray you, have nothing to do with the Government.

"Mr. Speaker, I know and feel under what disadvantages the proposition I have offered comes before the House. Sir, I am not the first or the only man who has attempted to arrest the course of power, and I know at what a hazard the attempt is usually made. Sir, the chairman of the Committee of Ways and Means has told us that the plan I propose has not escaped the notice of the Secretary of the Treasury. Yet, though that officer has presented us with a ponderous, I wish I could say luminous, report on the fiscal concerns of this Government, he has passed this proposition with a single glance. When the gentleman from Georgia (Mr. Gamble) introduced a

resolution calling upon the Secretary of the Treasury for a plan to collect and disburse the public revenue without the agency of banks, the House voted it down. The proposition met with no favor. The arrangement was made; the bargain was concluded; the banks had got the money; they hold it now; and the present bill is a little more or less than a form, a ceremony, ratifying the bargain concluded between the organized capital of the country and the Secretary of the Treasury. No wonder that officer declined entering into the details of a scheme which he himself admitted to be of a practical character, but which did not suit the purposes of power. Sir, the scheme is practicable; and, further, I say that it is more simple and more efficient than that proposed by this bill. It is true, the amendment is elementary only; it proposes the germ, the distinguishing measure only, of the plan I propose; but were this agreed upon, how easy would it be to go on and perfect the details. Let these collectors be put under bond, with sufficient security, and let them keep the revenue they may collect until called for by the Government. The Chairman of the Committee of Ways and Means thinks that this would keep too much specie unemployed. Sir, the day has not long gone by when this hall, ay, sir, and the whole country, rang with the cry of 'specie! specie!' 'Jackson money!' 'yellow-jackets!' 'down with bank rags!' Well, sir, I propose a plan by which the business of government will be done in specie, and in specie only; and the gentleman tells us that by law it is done in specie already. Such, it seems, is now the law of the land. Sir, I am glad, exceedingly glad, to hear it. If the fact be so, I have proposed no innovation; and ought not the practice of the Government to correspond with the law? I am not for altering such a law. But what does this bill do? It makes it indispensable to any bank's becoming the depository of the Government funds, that it have at

all times a large amount of specie in its vaults. It appoints a system of search and inspection to ascertain the fact; and if it shall be discovered that the bank does not keep locked up from circulation a certain large amount of specie, the Government deposits are withdrawn, and the bank ruined.

"Surely, sir, the specie in the vaults of a bank is as much withdrawn from circulation among the people as in the coffers of a collector of the revenue. It lies there merely as a source of credit to the bank. But there would only an inconsiderable amount lie thus idle at any time. The money would, in effect, be as useful as if deposited in the State banks themselves. It would be moving in a constant stream into and out of the depositories. The banks might possess themselves of the drafts of Government, which, being drawn on specie in the actual possession of these agents of the Treasurer, in favor of all public creditors, would be held as so much specie. Such drafts, or I am mistaken, would soon be at a premium. There would be no difficulty whatever on that score. This plan would probably require the creation of a few additional officers, I admit, but they would not be many; possibly there might none be needed; but in point of patronage they would be nothing, compared with this fearful connection between the organized capital and the Treasury of the Union. If gentlemen will only aid me by bestowing on the proposition I have submitted a small share of the labor and thought applied to carry into effect the State bank system; if they will turn their minds earnestly to perfecting its details, they will find imagined difficulties fade before them. They will soon be convinced that honest and responsible men are to be found in this country, who may safely be intrusted with the custody of the public treasure. The Treasurer, by his drafts, will relieve all difficulties on the subject of exchange; and the entire

system of managing the public revenue will be reduced to the simplest and easiest form.

"I desire to limit and restrain the executive patronage; I seek to keep it free from the corroding influence of banks and banking. Sir, I desire no longer to have it openly charged upon members of Congress that they have been bought and bribed by a bank. Let the proposed plan of the chairman of the Committee of Ways and Means go into effect, and the day is not far distant when gentlemen will be charged in the self-same manner with having been bribed by the State banks. When a new war of interest and ambition shall arise, between a renewed effort to make a bank of the United States and the existing State banks, those who oppose the measure will then be told that they are bribed by the State banks. Sir, the times are portentous; all feel it, all know it to be so. Everybody knows that pervading anxiety agitates the bosoms of the best and wisest patriots of the land; and no man can tell how the drama is to terminate. Let us, then, endeavor at least to purify one source of corruption. Let us cut off at least one arm of dangerous and unnecessary power. We shall have the bond of those who keep our money; and if it is not paid, we will have it paid. Then we shall no longer be calculating here how a million and a half of dollars deficit in the Treasury, said to be lost by default of State banks, can be made to appear but four hundred thousand dollars. You will then have an honest system of custody for the public funds, and one in which the people of the country have a deep interest. Sir, the great body of the people do not understand these banking institutions. They know nothing about them; nothing, sir, nothing, but the happy event of bringing the United States Bank to an end; and the use made of it for political purposes has prevented you from hearing, from one end of this Confederacy to the other, one

universal cry against the interference of the Executive with the public revenue. Sir, the Executive is honest; he is frank and open; he promised to kill the Bank, and he has killed it. I rejoice at it, nor did I quit his side in this contest until I thought he had passed the bounds of constitutional warfare, and was inflicting wounds on Liberty herself.

"Mr. Speaker, it is the theory of this Government, and it is no less the wish of the people, that the Government shall be wholly dissevered and kept distinct from the religion of the nation. The separation is guaranteed in the Constitution by an amendment proposed by my native State. It is equally the provision of that instrument that the Government shall be equally separated from the public press. It solemnly enjoins that nothing shall be permitted to silence that trumpet which summons the people to the defence of their liberties. And it will turn out to be no less necessary that the action of this Government shall be separated from all moneyed corporations organizing the wealth and capital of the country. Sir, we have been placed, by the hand of Divine Providence, upon a vast and fertile continent. We enjoy the freest government under heaven; we have a great, a glorious confederacy of free States; is it not our sacred duty to guard this fair inheritance against the taint of corruption? Sir, I declare before this body, upon the integrity of my honor, that the effort I have now made is utterly disconnected with all party aims and party feeling. I believe some such expedient indispensable to liberty. And were I authorized to speak, I would say that I do believe the great man, whose genius and whose patriotic valor have raised him to the first seat in this Government, would himself, being no advocate of banks, prefer such a measure to that proposed in this bill.

"I know there are some slight inconveniences attending the plan. But these, whatever they may be,

are but dust in the balance in comparison to the dangerous tendency of that now held out to us, and which may one day shake this Confedracy to its deepest foundations. The agitation attending the pulling down of the national bank has not subsided to this day; the undulation of the billows will long be visible; nor will banking controversies, for our immense revenues, cease until some efficient substitute shall be provided by Congress.

"As to the details of the scheme I have now had the honor to propose to the Congress of the United States, they may be arranged at leisure when once the principle of the scheme is settled. I did not present my proposition as containing a perfect plan; but, if its principle shall be approved of, the subordinate arrangements need be attended with but little difficulty.

"Sir, I am fully aware of the desultory and irregular manner in which I have been able to present my thoughts of the House; but they have been conceived, I trust, in purity of purpose, as they have been frankly uttered. Let us not lend our aid to the enactment of laws which go only to swell the already portentous tide of executive power; rather, whilst we restrain ourselves within the limits prescribed by the Constitution, let us use our best efforts to curb executive encroachment on our legislative rights, and to provide more effectual safeguards for the liberties of the people."

This speech, proceeding from a man practically without a party following, upon a measure which was objectionable alike to the old Bank of the United States men, and to the administrationists, nevertheless produced a strong impression on the House, although it failed to win more than a comparatively small number of votes to the support of the measure which it advocated. In the debate on the Deposit Bill, which had been opened by Mr. James K. Polk

of Tennessee, the chairman of the Committee of Ways and Means, Gordon's amendment, proposing the Independent Treasury, was discussed by Mr. Samuel McDowell Moore of Virginia, Mr. Ewing of Ohio, Mr. Robertson of Virginia, Mr. Churchill C. Cambreling of New York, Mr. Clayton of Georgia, and Mr. Wilson of Virginia.

Mr. Ewing "acquiesced in a large portion of the argument of the gentleman from Virginia (Mr. Gordon) though he could not support his amendment. The subordinate officers of this Government, or any man rewarded with office, merely for party services, should never become the depositories of the people's money with his consent."

"Mr. Ewing offered a new bill of twenty-seven sections, as an amendment to that of Mr. Gordon;" and "rose to remark briefly on the amendment or substitute sent to the table, and to move, before he resumed his seat, to refer it, with the amendment of the gentleman from Virginia (Mr. Gordon) and also the bill of the Committee of Ways and Means, to a select committee to consist of one member from each State in the Union. He said he adopted this course because the subject was one of deep, general, and vital importance to the whole country. Its effects will remain when the passions and parties of the present day shall have passed to the bourn of oblivion; and it should be presented to this House and discussed free of all party predilections."

Mr. Robertson said: "Favoring, himself, the principle of that (the amendment) proposed by his colleague (Mr. Gordon), so far as it dispensed with the agency of banking operations, and desirous of seeing that principle embodied into some practicable plan, he should move a commitment of the bill to the committee which had reported it, with instructions to report a plan to effect that object."

"Mr. Cambreling said: "The gentleman from Virginia (Mr. Gordon) has told us that the Presi-

dent has 'possessed himself of the whole revenue of the country,' and that 'our rights and our liberties are in danger.' The gentleman surely cannot have forgotten the act of March, 1809, referred to by the Secretary of the Treasury, under which all public moneys in the hands of disbursing officers are directed to be deposited in banks to be 'designated for the purpose by the President of the United States'; an act which was not repealed even by the charter of the Bank of the United States, and which stands to this day the law of the land. Under that act, sir, continued for six and twenty years, our Presidents were authorized to control, so far as the mere question of deposit was concerned, some five hundred millions, for the use of our army, navy, and for other Government purposes. If there is anything substantial in this argument about the union of the purse and the sword, or any abuse in the exercise of this control over the public money, the legislative and not the executive branch is responsible to the country for its origin.

"(Mr. Gordon disclaimed having said anything about the union of the purse and the sword)."

Mr. Clayton said: "In presenting my reasons for voting against the bill on your table, and sustaining the substitute offered by the gentleman from Virginia (Mr. Gordon) I shall briefly urge what I have always done against the Bank of the United States, viz: that any concern on the part of the General Government with banks of any description is not only unconstitutional but inexpedient."

Mr. Mann was disturbed by what Mr. Gordon said about the State of New York. "The inference which it appears to me necessarily follows from the scope of the remarks of the gentleman, taken altogether, (and I state it as an inference), is, that the power of New York is not only too great in the Union, but that she will use it for political and improper purposes of self-aggrandizement."

Mr. Gordon said that he "had not intended to utter a word disrespectful to the State of New York; that he admired that State, and its rapid progress and improvements; and protested against any inferences being drawn by the gentleman from New York (Mr. Mann) which his language did not warrant."

Mr. Wilson, of Virginia, "was opposed to the amendment of Mr. Gordon. Believing that the Bank of the United States would not be rechartered, he was satisfied that it would be necessary to employ the State banks as the fiscal agents of the Government."

The House refused to recommit the bill; and defeated the amendment of Mr. Ewing to Gordon's amendment. The amendment of Mr. Gordon, providing for the Independent Treasury, was then defeated by a yea and nay vote of thirty-two yeas and one hundred and sixty-one nays.

The members voting in the affirmative were: Messrs. John Quincy Adams, Heman Allen, John T. Allen, Chilton Allan, Archer, Barber, Beale, Beaty, Campbell, Claiborne, William Clark, Clayton, Amos Davis, Davenport, Deberry, Foster, Gamble, Gholson, Gordon, Griffin, Heath, Letcher, Lewis, Martindale, McComas, Pickens, Robertson, Spangler, Steele, William P. Taylor, Wilde, Williams and Henry A. Wise.

Thus ended Gordon's personal connection with a measure which has now been for many decades so firmly imbedded in the fiscal scheme of the United States Government as that its continued existence is likely to terminate only with the end of the Government itself.

CHAPTER XVII

THE INDEPENDENT TREASURY

The extra session of Congress in 1837, called by VanBuren, adjourned six days after the close of the debate on the Sub-Treasury bill. Upon its reassembling in regular session in December, 1837, the measure was again pressed upon Congress by the Administration. Mr. Wright, of New York, from the Senate Committee on Finance, reported the bill on the 16th of January, 1838. It passed the Senate on the 4th of March, by a vote of 27 to 25, among those who voted for it being Benton King of Alabama, Franklin Pierce of New Hampshire, Walker of Mississippi, and Silas Wright. Recorded as voting against it were the great triumvirate, Calhoun, Webster and Clay. Mr. Calhoun was in favor of the bill as Gordon had originated it. But he voted against it now because that portion of the original measure providing for "hard money" had been stricken out. The two Senators from Virginia were divided upon it, Mr. Roane voting for the bill, and Mr. Rives opposing it.

"Calhoun now rejoined the Democratic party," says Mr. Edwin M. Shepard in his luminous discussion of the Sub-Treasury, in his "Life of VanBuren," in "The American Statesmen Series." "It was only the year before he had denounced it as 'a powerful faction held together by the hopes of public plunder'; and early in this very year he had referred to the removal of the deposits as an act fit for 'the days of Pompey or Caesar,' and had declared that even a Roman Senate would not have passed the expunging resolution 'until the times of Caligula and Nero.' But VanBuren, Calhoun now said, had been driven

to his position; nor would he leave the position for that reason. He referred to the strict construction of the powers of the government involved in the divorce of bank and state. There was no suggestion that VanBuren had become a convert to Nullification. But Calhoun could with consistency support VanBuren. The Independent Treasury scheme was plainly far different from the removal of the deposits from one great bank to many lesser ones * * * Calhoun joined Silas Wright and the other administration Senators; but he still maintained a grim and independent front."

This grim and independent front was illustrated in his refusal to support the administration measure, upon which he had returned to the party of the administration, and which had been the most potent influence in recalling the strict constructionists, who had revolted against Jackson in his fight on the Bank, from their affiliation with the Whig party. He rejected it, because it did not contain the hard money feature, which had characterized it as Gordon had fashioned it.

The bill went from the Senate, with its narrow majority of two votes, to the House of Representatives, where it was again defeated on the 25th of June, 1828, by a vote of 125 nays to 111 yeas. Gordon's successor, Mr. Garland, from the Albemarle district, was one of Mr. Rives's "Conservatives," and voted against it. Thus the Whigs and the Conservatives again put the measure to sleep. Mr. Foster of New York moved a reconsideration of the vote by which the bill was defeated. His motion was lost by a vote of 205 nays to 21 yeas.

Once more, in the 26th Congress, the Sub-Treasury Bill came to the front. The Senate passed it, by a majority of six in a vote of forty-two, on the 23rd of January, 1840. It had the hard-money feature restored, and Mr. Calhoun voted for it. Again it went to the House, which on the 30th of June adopted it

by a vote of 124 in its favor to 107 against it, after a debate that lacked nothing of the interest which the proposition had formerly excited.

"Again," writes Mr. Shepard, "the wisdom of separating bank and state, again the wrong of using public moneys to aid private business and speculation, were stated with perfectly clear, but uninspiring logic. Again came the antiphonal cry, warm and positive, against the cruelty of withdrawing the Government from an affectionate care for the people, and from its duty generously to help every one to earn his living. In and out of Congress it was the debate of the time, and rightly; for it involved a profound and critical issue, which since the foundation of the Government has been second in importance only to the questions of slavery and national existence and reconstruction."

The victory thus won, by so narrow a margin, was correspondingly brief in its continuance. Soon after the assembling of the 27th Congress in extra session in May, 1841, Mr. Clay reported from the Senate Finance Committee a bill to repeal the Independent Treasury law. The repealing bill passed the Senate by a vote of 29 to 18, and the House with amendments, in which the Senate concurred, by a vote of 134 to 87. President Tyler signed the repeal-bill; and the Independent Treasury scheme was once more put out of action.

In 1846, in the first administration of James K. Polk, the Sub-Treasury law was restored to the statute-book, there to remain thenceforth as a permanent part of the fiscal system of the Government. It had been the object about which political activities of great magnitude and significance had asserted themselves, and over which tremendous intellects had contended with equally tremendous passions. It was the question on which Clay had taunted Calhoun as abandoning his party, and deserting to the enemy;—a taunt to which the South Carolinian had retorted,

referring to the coalition which John Randolph had called that of 'Blifil and Black George,' between Adams and Clay, that the latter had upon a memorable occasion gone over, leaving it to time to disclose his motives. "Here it was," says Mr. Shepard, "that in the decorous fury of the times, both Senators stamped accusations with scorn in the dust, and hurled back darts fallen harmless at their feet."

The Independent Treasury scheme was charged by its enemies with being a device of VanBuren's that was "blood-curdling," and an instrument of tyranny, whereby the people were to be ground "to the very dust by the awful despotism of their rulers." A measure, which in the opinion of such strict-constructionists as Calhoun and Tazewell, so illustrated and distinguished VanBuren's adherence to State-Rights as that upon its adoption by him as an administration measure, they, and thousands of their way of thinking, left the Whigs to return to Democracy, was denounced by its opponents as a project of centralizing tendencies, and as constituting "a union of the sword and the purse"—the very phrase which Cambreling had attributed to Gordon's denunciation of the control of the deposits in the "pet banks" by the Executive, in the debate in the House in 1835. The State banks antagonized VanBuren's administration because of the Sub-Treasury; and the advocates of a National Bank, under a covert defense of State banking institutions, fought the Sub-Treasury scheme with a no less relentless hostility. The antagonism of what Gordon had dubbed "the money power" exhibited itself in assaulting what it discovered it was unable to control. In the debate in the House of Representatives, in the session of 1839-1840, a member from North Carolina exposed with relentless logic the insincerity of the attitude of the national bank advocates. "Some gentlemen have been seized with a wonderful regard for the institutions of the States; lips which have poured forth scorn and de-

rision upon the doctrine of State-Rights have lately used most honeyed phrases, and invoked the South to interfere and reject a measure that will destroy their local banks. Sir, the real object of this pretended sympathy is to play on the feelings of honorable members, and use them to advance a measure condemned by our constituents, and utterly repugnant to their interests; they hope to destroy this bill (for the Independent Treasury) and establish a great national bank, which is so friendly to the States, and so little hostile to their own corporations!"

The arguments urged against the Sub-Treasury, where they did not proceed from those directly or indiectly interested in the banks, were political. Mr. Webster said that the act was a backward step from developed civilized credit to bolts and bars. "The use of money," he said "is in the exchange. It is designed to circulate, not to be hoarded. All that the government should have to do with it is to receive it to-day, that it may pay it away to-morrow. It should not receive it before it needs it; and it should part with it as soon as it owes it. To keep it, that is, to detain it, to hold it back from general use, to hoard it, is a conception belonging to barbarous times and barbarous governments."

This sound doctrine, coming from one of the ablest opponents of the Sub-Treasury system, was one in which Gordon entirely concurred, because he was as hostile to a protective tariff, which he conceived produces a surplus, as Webster was to the Independent Treasury. With his strict construction views of the functions of a national confederated government of sovereign States, he thought that no higher tariff duties should be imposed than would afford a revenue sufficient to meet the expenses of that government, economically administered. This was the view of the State-Rights Democracy; and was presented with great ability along with the other arguments in defence of the plan, in a pamphlet by William M.

Gouge, entitled, "An Inquiry into the Expediency of Dispensing with Bank Agency and Bank Paper in the Fiscal concerns of the United States," which is believed to be the best exposition of the merits of the Independent Treasury System that has ever been published.

Gouge replied to the objection that the system would lock up money and prevent its circulation in business, that the Government ought not to have the money of business, and there should be no surplus to lock up. He said, as Gordon had said, in his presentation of the scheme to Congress, that the inconvenience of transfer could be overcome by the use of drafts; and that specie payment could be maintained. He also argued, as Gordon and Pickens, and others of their way of thinking, had urged in Congress, that the system would decrease executive patronage and power; and he presented cogent reasons why the probabilities of loss would be less with the Sub-Treasuries than with the banks—an anticipation that has been amply justified by events.

It is interesting to observe, however, how fundamentally the minds of political party leaders may differ upon questions of party policy. In the 27th Congress the Sub-Treasury matter was condemned by the report of the Ways and Means Committee of the House of Representatives, made on President Tyler's proposed "Exchequer Plan," in the following language:

"Its model may be found in the imperial institutions of Darius, the King of Persia, and its principles have descended, with little modification and slight improvement, it is believed, through all governments where banks do not exist, and are now found in perfect operation in the island of Cuba!"

Such was the opinion of a Whig Committee of Congress of this Democratic measure, which Mr.

VanBuren is said to have considered a Declaration of Independence second only to that earlier document, penned also by the hand of another and greater citizen of the same Virginia county of Albemarle.

The functions and operations of the Independent Treasury law have been dealt with by the present writer in a volume entitled, "Congressional Currency, An Outline of the Federal Money System," which was first published in 1895. From that volume the following brief statement is now reproduced, as apposite to the subject:

"The Independent Treasury Act, now on the Federal Statute book, became a law on August 6, 1846; and though amended in many minor details by direct enactment, and diverted from its original purposes by sundry acts of congressional legislation, stands in general form as it was originally framed by its author.

"There are nine sub-treasuries at the present time, located respectively at Baltimore, Philadelphia, New York, Boston, Cincinnati, Chicago, St. Louis, New Orleans and San Francisco. Of these the most important, on account of its location and of the magnitude of its transactions, is that in the city of New York. By the provisions of the act passed in 1875 for the resumption of specie payments, the suspension of which by the sub-treasuries took place Decemmer 28, 1861, the legal tender United States note known as the greenback was made redeemable only at the sub-treasury in the city of New York. By subsequent legislation the sub-treasury at San Francisco was also authorized to redeem the greenback in 'specie'; and these two sub-treasuries remain the only ones at which such redemption may be made.

"Although the Independent Treasury plan, as formulated and adopted, contemplated primarily nothing further than a better organization of the Treasury in its methods of business, and the proper collection, safe-keeping, and disburse-

ment of the public revenues; or, as stated by Mr. Calhoun in his speech on the Independent Treasury bill, delivered in the Senate February 15, 1838, 'to take the public money out of the hands of the Executive and place it under the control of the laws, and to prevent the renewal of a connection which has proved so unfortunate to the government and the banks,' Federal legislation subsequent to 1860, without materially altering the tenor and form of the Sub-Treasury Act, has given to the general Treasury system an incomparably greater latitude and significance than it possessed in its earlier history, and has incorporated into its operation features, which if not at variance with those original provisions of the law, were at least never anticipated in the purview of its first plan.

" * * * The financial war policy which conceived and created the greenback, with a legal-tender feature approved by the judicial determination of the highest Federal tribunal; the compulsory enactment of the Congress which makes the greenback redeemable in coin on presentation, and requires it to be re-issued immediately on redemption by the Treasury Department; and the further financial legislation by the Congress, authorizing not only the accumulation of silver bullion in the Treasury and the coinage of silver dollars on a false ratio, but the issue of certificates of deposit and Treasury promises to pay against such dollars and bullion, and defining the policy of the Government to be the practical payment of the greenbacks, silver certificates, and Treasury notes in gold coin, have combined to set into motion other systems of financial machinery than those known to the earlier administration of the Treasury Department. Before the enactment of this later legislation, the Sub-Treasury system as originally established so entirely severed the government from the money market that, fortunately, the bank-

ers and merchants could afford to laugh at the insignificance of the Government on their arena; but its position was 'never so strong or so sound as when, in this point of view, it was most ridiculous.' "

CHAPTER XVIII

CONTEMPORARIES IN CONGRESS—1829-1835

The historians and biographers of the time covered by Gordon's legislative experience in the United States Congress have concurred in pronouncing the Federal legislature of the period a most extraordinary one for the ability, the distinction, and the character of those who then appeared "in the keen, bright sunlight of publicity." Of the great majority of these men both history and biography have alike treated at large; and even were this not so, there would be scant space in such a work as the present to inscribe even a list of the names of all of them upon its pages. But of those who were of Gordon's own school of political thought, and were thrown into a more or less close personal relation with him, or who, being marked as out of the ordinary, however great that ordinary was, attracted his attention by any singularity of personal character or typical achievement, there were a few of whom some words may serve to illustrate the environment, and mark the scenes in which he moved.

Gordon was possessed always of a strong literary bent. He was a Shakspearean scholar, not in the critical sense, but with an accurate knowledge of the dramatist's plays and characters, and an ability to use this knowledge alike in the forum and at the bar. His acquaintance with the classic authors of his tongue was varied and extensive; and his imagination was charmed and his sensibilities enlivened by whatever was best in the domain of lighter letters. "I send you 'The Tales of My Landlord,' " he wrote to his wife, a few days after reaching Richmond, in 1818, in his first session in the Virginia House of Delegates; and with the letter went "Old Mortality,"

"The Black Dwarf," and "The Heart of Midlothian," the last of which was that year just from the press. One of his earliest letters to Mrs. Gordon that was written from Washington, in April, 1830, states that he had "got Byron's life, by Moore. It is an amusing book; but is licentious and wicked in many passages." Shelley, in the earlier decades of the century, was "flaming amazement" upon the English reading-world, in his poems of ideal beauty. They attracted Gordon's attention, as did those of Scott and Byron and Moore; but the infidelity, and what he conceived to be the immorality, of some of them were displeasing to him. "Take the book out of the house," he said to one of his sons, who brought him the volume, with words of praise for "The Skylark."

It was the literary instinct which, amid the otherwise engrossing consideration of political questions, enabled him to find recreation and amusement in the sympathetic society of such men as Warren R. Davis, and his since much better known State-Rights colleague from Georgia, Richard Henry Wilde.

Wilde was a scholar and poet, whose popular fame rests largely upon a single poem, as "Single Speech" Hamilton's reputation survives in the English House of Commons in his one conspiciously brilliant oratorical effort there. Wilde wrote many other verses than the melodious lyric, beginning:

> "My life is like the summer rose
> That opens to the morning sky;
> But ere the shades of evening close
> Is scattered on the earth to die;"

but in it his memory as a poet survives.

Wilde, like Gordon, opposed Jackson, and did not long remain in Congress. Later, he went to Florence, Italy, and in that Tuscan city, whose mere mention recalls a host of names that are garlanded with the wreaths of English poetry and letters, he

devoted himself to the study of Italian literature; and won a larger fame with scholars in his discovery there of some forgotten documents concerning Dante, and a mural portrait of the author of "The Divine Comedy," painted by Giotto on the wall of the Bargello Chapel, and hidden through intervening centuries by the obscuring brush of an unknown whitewasher.

Another notable figure, picturesque and unusual, who came to his political end on account of his opposition to Jackson, was David Crockett, who was a member of Congress from 1827 to 1831 from Tennessee. It was said of him that he won his elections to the Tennessee legislature and to Congress from the backwoodsmen of his constituency by telling humorous stories and by his skill with the rifle, and that he never read a newspaper and never made a speech. He was of the stuff, however, of which heroes are made; for after leaving Congress he joined the Texans in their struggle for independence, and died with Bowie and Travis and the other martyrs to liberty, who fell in her cause in the bloody massacre of the Alamo.

Crockett's election to Congress afforded a subject of infinite jest to some of the newspapers of the period. The Philadelphia *Ariel,* describing the backwoodsman's methods of campaigning, said that "while his competitor was telling the people of his great merits, Davy was giving practical evidence of his by grubbing up a stump which two ordinary men would have abandoned in despair. This striking demonstration of statesmanlike qualities was irresistable to the yeomanry of Tennessee, and the election of our worthy Davy was carried by acclamation."

An anecdote is told of him, which is said to have given him great vogue among the Southern members in Congress. He was sitting one day, with several of his colleagues, in the office of the old

"Indian Queen" hotel, a hostelry in Washington much frequented by the statesmen of the period. A Massachusetts member, standing at the door, turned and called to the Tenneseean, "Come here, Crockett! Here are a lot of your constituents!" Crockett and his companions crowded to the door, and saw a drove of mules passing the tavern. "Where are they going, Crockett?" queried the Bay State statesman.

"They air a-goin' to Massachusetts to teach school," replied Crockett with a grin, and returned to his seat amid the applause of his companions.

Crockett said on one occasion that although he was no speaker, he intended to make a speech in the House of Representatives, for he saw no reason for his being diffident, as he could lick any man in it. Although he lacked the gift of oratory, he wielded the pen of a ready writer, and wrote a number of books, among them a characteristic "Autobiography," and a "Life of Martin VanBuren, Heir apparent to the Government." During his first term in Congress he attended a dinner given by President John Quincy Adams, of which he gave the following account:

"When we went in to dinner I walked round the long table looking for something I liked. At last I took my seat just beside a fat goose, and I helped myself to as much as I wanted. But I hadn't took three bites when I looked away up the table at a man called Tash *(attaché)*. He was talking French to a woman on t'other side of the table. He dodged his head and she dodged hers, and they got to drinking wine across the table. If they didn't, I wish I may be shot. But when I looked back again my plate was gone, goose and all. So I just cast my eyes down to t'other end of the table, and sure enough I seed a white man walking off with my plate. Says I, 'Hello, mister, bring back my plate.' He fetched

it back in a hurry as you may suppose, and when he sat it down before me, how do you think it was? Licked as clean as my hand. If it wasn't I wish I may be shot. Says he, 'What will you have, sir? and says I, 'You may say that after stealing my goose,' and he began to laugh. If he didn't, I wish I may be shot. Then says I, 'Mister, laugh if you please, but I don't half like such tricks upon travelers. If I do, I wish I may be shot.' I then filled my plate with bacon and greens, and whenever I looked up or down the table I held my plate with my left hand. If I didn't, I wish I may be shot. When we were all done eating, they cleared everything off the table and took away the table-cloth, and what do you think—there was another table-cloth under it. If there wasn't I wish I may be shot. Then I saw a man coming along carrying a great glass thing with a glass handle below, full of little glass cups, with something in them that looked good to eat. Says I, 'Mister, bring that here!' Thinks I, let's taste 'em first. They were mighty sweet and good, and so I took six of them. If I didn't I wish I may be shot."

Crockett evidently shone at the state dinners in the White House. On another occasion, before he broke with Jackson, he was the latter's guest at a Presidential dinner given to members of Congress. Among other unaccustomed luxuries on the *menu* that confronted Crockett's simple experience, were champagne and olives. "How are you getting on, Mr. Crockett?" called President Jackson down to his guest, with a twinkle in his eye. "First rate, President," responded Crockett, as he paused in a diligent play of knife and fork: "This here cider of yours is the best I ever tasted; but I must say, your plums are a little green."

It was doubtless the literary inclination which discovered in John Quincy Adams a responsive sym-

pathy that brought about between Gordon and the ex-President one of the most singular, as well as it was among the most interesting friendships of the former's political career. Mr. Adams was elected to Congress in 1831, as a representative of the anti-masonic party, from Massachusetts; and held the position until his death in 1848 in the Speaker's room of the House. Gordon had left Congress in 1835, and before Mr. Adams aroused the hostility of the South by his persistent presentation of the petitions for the abolition of slavery in the District of Columbia. In his congressional career he acted independently of political parties; and while he opposed Jackson's conduct in connection with the war on the Bank and the removal of the deposits, he supported him in his attitude towards Nullification. There were, therefore, no partisan differences to keep the two men apart. Adams' name led the rest of the thirty-two members of the House who in 1835 supported Gordon's Independent Treasury amendment; and a kindly friendship, which was a source of much pleasure to the younger man, and lasted throughout his stay in the House of Representatives, sprang up between them. Two years after Gordon's departure from the scene of the struggles over the Tariff, the Bank, Nullification, and the other great governmental problems of the times, a contemporaneous writer, in 1837, gave the following graphic picture of Mr. Adams:

"Our attention is now attracted to a ray of light that glitters on the apex of a bald and noble head, 'located' on the left of the House, in the neighborhood of the Speaker's chair. It proceeds from that wonderful man who in his person combines the agitator, poet, philosopher, statesman, critic and orator, John Quincy Adams. Who that has seen him sitting beneath the cupola of the hall, with the rays of light gathering and glancing about his singularly polished

head, but has likened him to one of the luminaries of the age, shining and glittering in the political firmament of the Union. There he sits, hour after hour, day after day, with untiring patience, never absent from his seat, never voting for an adjournment, vigilant as the most jealous member of the House, his ear ever on the alert, himself always prepared to go at once into the profoundest questions of state, or the minutest points of order. What must be his thoughts as he ponders upon the past, in which he has played a part so conspicuous? We look at him and mark his cold and tearless eye, his stern and abstracted gaze, and conjure up phantoms of other scenes. We see him amid his festive and splendid halls ten years back, standing stiff and awkward, and shaking a tall, military-looking man by the hand, in whose honor the gala was given, to commemorate the most splendid of America's victories. We see him again, years afterwards, the bitter foe of the same military chieftain, and the competitor with him for the highest gift of a free people. We look upon a more than king, who has filled every department of honor in his native land, still at his post; he who was the President of millions, now the representative of forty-odd thousand, quarreling about trifles or advocating high principles. To-day growling and sneering at the House with an abolition petition in his trembling hand, and anon lording over the passions, and lashing the members into the wildest state of enthusiasm by his indignant and emphatic eloquence. Alone, unspoken to, unconsulted, never consulting with others, he sits apart, wrapped in his reveries; and with his finger resting on his nose, he permits his mind to move like a gigantic pendulum, stirring up the hours of the past and disturbing those of a hidden future; or probably he is writing—his almost perpetual employment—but what? Who can guess? Perhaps some poetry in a young girl's album! He looks en-

feebled, but yet he is never tired; worn out, but ever ready for combat; melancholy, but let a witty thing fall from any member, and that old man's face is wreathed in smiles; he appears passive, but woe to the unfortunate member that hazards an arrow at him; the eagle is not swifter in his flight than Mr. Adams; with his agitated finger quivering in sarcastic gesticulation, he seizes upon his foe, and amid the amusement of the House, rarely fails to take a signal vengeance.

"His stores of special knowledge on every subject, gradually garnered up through the course of his extraordinary life, in the well-arranged storehouse of a memory which is said to have never yet permitted a single fact to escape it, give him a great advantage over all comers in encounters of this kind. He is a wonderful, eccentric genius. He belongs to no party, nor does any party belong to him. He is of too cold a nature to belong to a party leader. He is original—of very peculiar ideas, and perfectly fearless and independent in expressing and maintaining them. He is remarkable for his affability to young persons; and surrounded by them, at his own table, he can be as hilarious and happy as the gayest of them. For one service, at least, his country owes him a debt of gratitude. I refer to the fine illustration which he offered of the true character of our institutions, when he passed from the Presidential palace to his present post on the floor of the House of Representatives. Though the position which he has there made his own, may not be that which his friends might wish to see him occupy in that body, yet in every point of view the example was a fine one.

"His manner of speaking is peculiar; he rises abruptly, his face reddens, and in a moment throwing himself into the attitude of a veteran gladiator, he prepares for the attack; then he becomes full

of gesticulation, his body sways to and fro,—self-command seems almost lost,—his head is bent forward in his earnestness till it sometimes nearly touches the desk; his voice frequently breaks, but he pursues his subject through all its bearings; nothing daunts him—the House may ring with the cries of order!—order!—unmoved, contemptuous, he stands amid the tempest, and like an oak that knows its gnarled and knotted strength, stretches his arm forth and defies the blast."

One of the delegates from the territory of Arkansas was Ambrose H. Sevier, who possessed much of the talents of his uncle, John Sevier, the celebrated Indian fighter, who had moved from his birthplace in Rockingham County, Virginia, in early life to the Watauga region of North Carolina, and had founded there the State of Franklin. Ambrose Sevier was a territorial delegate to Congress for a number of years; and was elected Senator in 1836. He remained in the Senate till 1848; and in that year was a member of the commission to make peace with Mexico.

Perhaps the most picturesque and spectacular of the Virginians who served with Gordon, as he was among the ablest and most distinguished, was Henry A. Wise. Wise's first term was Gordon's last, namely that of the 23d Congress, which convened in December, 1833, and ended in March, 1835. "Of the members of this Congress," says Parton, "five have been President; five, Vice-President; eight, Secretary of State; twenty-five, Governor of a State." The same story is told of Wise, who was just twenty-seven years old when he entered the House of Representatives, as is related of Randolph of Roanoke, under like circumstances. "Where is Mr. Wise?" asked Speaker Stevenson, when John Y. Mason of Virginia presented his boyish-looking colleague to take the oath. The Speaker had taken

the young member for one of the pages of the House. "How old are you, Mr. Randolph?" the same official had queried of Randolph three decades earlier. "Ask my constituents, sir," responded the shrill voice, which he, who once heard it, is said never to have forgotten.

Henry A. Wise was an orator of brilliant powers, a politician of commanding ability, and of the most daring and adventurous courage, a statesman of great foresight, and an executive of such firmness and decision of character as were not exceeded by any of his contemporaries. He left Jackson on the Bank question, joining the so-called Whig aggregation; and served two additional terms in Congress. He was the second of Graves in the famous duel in which the latter killed Cilley, an unfortunate episode for which Wise was unjustly held to blame by many; and was characterized by John Quincy Adams, between whom and himself there were frequent intellectual collisions on the floor of the House, as "coming into the House of Representatives with his hands dripping with blood."

President Tyler nominated Wise as Minister to France; but the Senate refused to confirm the appointment. He then became Minister to Brazil, where he remained from May, 1844, to October, 1847. He was nominated for Governor of Virginia by the Democratic party in 1855, and after conducting the most remarkable canvass against the "Know Nothing," or American party, which had up to that time ever occurred in the Commonwealth, was triumphantly elected. His term had not quite expired when the John Brown raid took place; and the execution of Brown on the 2d of December, 1859, was among the last notable events of his administration. He was a member of the Secession Convention of Virginia, and a brigadier-general in the Confederate Army. In his later years he pub-

lished "Seven Decades of the Union; a narrative of political history, especially with relation to the life and political career of President Tyler."

The same contemporary pen, which gave the description of Mr. Adams, above quoted, wrote of Wise at this time:

"He is remarkably quick in arriving at conclusions, and generally, too, in a way that would not have been struck upon by any one else. He has undoubtedly very high talents, and I have heard him, upon more than one occasion, soar into the regions of commanding eloquence. His forte lies in invective; then he becomes, to those whose party sympathies follow his own excited train of feeling, thrilling; his pale and excited face, his firm and compact head thrown back, his small bony hand clenched in the air, or with the forefinger quivering, as if all the passion of the orator was concentrated there, his eyes brilliant and fixed, his voice high yet sonorous, impress a picture too vivid to be easily erased from the mind."

Gordon greatly admired Mr. Wise, and was warmly attached to him. On one occasion when Wise's attitude on some public question was not so pleasing to Gordon as had been the former's vote for the Sub-Treasury amendment in 1835, Gordon said to him, half-provoked and half-amused:

"Wise, you have a brave and generous heart, but a singularly perverted intellect!"

"General," responded Wise, with great good humor, "you are entirely mistaken. I have a very able and direct intellect, but sometimes a singularly perverted heart!"

Another distinguished Virginian, who was in Congress during Gordon's membership, was John Y. Mason. He had been a member of the General Assembly and of the Constitutional Convention of 1829-

1830, in both of which bodies he evinced ability. He was chairman of the Committee on Foreign Affairs during his service in the House, and later became a Federal Judge of the District Court, and afterwards a State Judge in Virginia. He was Secretary of the Navy under Tyler, succeeding Governor Gilmer; and Attorney-General, and again Naval Secretary under Polk. He was President of the Virginia Constitutional Convention of 1850, and Minister to France from 1853 to 1859. He died in Paris in the last named year.

Of the thirty-two votes recorded in favor of Gordon's amendment to the Bank Deposit Bill, establishing an Independent or Sub-Treasury, he had the gratification of seeing one third, including his own, cast by members of the Virginia delegation.

The Virginians who supported the Sub-Treasury plan were John J. Allen, William S. Archer, James M. H. Beale, Nathaniel H. Claiborne, Thomas Davenport, James H. Gholson, William McComas, John Robertson, William P. Taylor and Henry A. Wise. It was a support of which the author of the measure might well be proud; for these men represented no small portion of the best and ablest public thought, character and position in the Virginia of their day. John J. Allen became a distinguished member of the Supreme Court of Appeals of Virginia, and was regarded as one of the strongest lawyers of his time. William S. Archer had a long and honorable political career, that has been briefly narrated in a previous chapter.

Benton mentions him in the "long catalogue of able speakers" in the House, in the ranks of the opposition to President Jackson,—a political array against the President, which the Missourian characterizes as "unprecedented in point of number and great in point of ability," and among whom he names ex-President Adams, the eminent jurist, Horace Binney of Pennsylvania; Bell of Tennessee, later a

candidate with Mr. Everett of Massachusetts on the Whig Presidential ticket in the momentous campaign of 1860; Rufus Choate of Massachusetts, regarded by many as the most gifted and brilliant speaker of his day at the New England bar; Tom Corwin of Ohio, wit, orator, lawyer and raconteur, of whom his colleague, Choate, once said, "He could fill the cup of your eyes with tears in a single sentence;" Warren R. Davis of South Carolina; Edward Everett of Massachusetts, scholar and rhetorician; Millard Fllmore of New York, urbane, polished, suave, later a President of the United States; Benjamin Hardin of Kentucky, whom John Randolph of Roanoke described as "a carving knife whetted on a brickbat," and of whom a contemporary writer in the *Democratic Review* said: "Hardin was a most provoking and annoying enemy,—with his deformed finger, crooked like an audacious note of interrogation,—his livid face, peering with a sneering expression into that of his adversary,—his seeming arrogant tone of voice—his left hand thrust country lawyer-like, with due elegance and grace, into his breeches pocket—altogether he was enough to worry the most resigned;" George McDuffie of South Carolina, the great opponent of the tariff and exponent of nullification; Balie Peyton of Tennessee, distinguished in three States as lawyer, rhetorician and politician; and Richard Henry Wilde of Georgia, scholar, orator and poet. Mr. Archer met with the fate of many of Jackson's political opponents, and returned to private life in 1835; but in 1841 he was, as heretofore related, elected from Virginia to the United States Senate, where he served a term, and in which body he was chairman of the Foreign Relations Committee.

James M. H. Beale, another supporter of the Independent Treasury scheme, a distinguished member of the prominent Virginia family of that name,

served in Congress from 1833 to 1837. Nathaniel H. Claiborne was for a number of years a member of the General Assembly in both the Senate and the House of Delegates, where he achieved distinction as a "watch-dog of the treasury," and was afterwards from 1825 to 1835 a representative in Congress. He possessed a literary bent, and published in 1819 a volume entitled "Notes on the War in the South." Thomas Davenport was a member of the House from 1825 to 1835. James H. Gholson was a Congressman from 1833 to 1835, an extreme State-Rights strict constructionist, and in 1850 a delegate with Gordon to the Southern Convention at Nashville. William McComas served two terms in the House, from 1833 to 1837. John Robertson, sprung from the Indian Princess Pocahontas, was a Circuit Judge and Attorney-General of Virginia, and a congressman from 1834 to 1839. "In Congress his abilities were highly estimated. By his friends he was called a stickler for the Constitution, so strict was his loyalty to it; and an illustrative story was invented on him by his witty and waggish friend, Waddy Thompson of South Carolina, that once being in Washington, and supposed about to die, he begged him as his last request not to allow him to be buried at public expense, for he thought it would be clearly unconstitutional." Judge Robertson possessed literary talents of no insignificant order; and was the author, among other works, of a tragedy entitled, "Riego, the Spanish Martyr." William P. Taylor was a member of the House for one term from 1833 to 1835. Governor Henry A. Wise, the eleventh voter in the delegation for the Sub-Treasury amendment, has been described above in this chapter.

Of the other Virginia representatives, those who stood by the Administration, and voted against the Sub-Treasury amendment, were Thomas T. Bouldin, Joseph W. Chinn, John H. Fulton, George Loyall,

Edward Lucas, John Y. Mason, Charles Fenton Mercer, Samuel McDowell Moore, John Mercer Patton, Andrew Stevenson, the Speaker, and Edgar C. Wilson. The most prominent of these were George Loyall, Gordon's personal intimate and friend, who remained throughout this period of political change and tumult an unwavering adherent of Jackson's; John Y. Mason, Charles Fenton Mercer, Samuel McDowell Moore, John Mercer Patton and Mr. Speaker Stevenson.

All of these last named public men have been dealt with at more or less length in this volume except Mr. Patton, who was one of the most notable figures of the period in his State. He began his career in life as a physician, but subsequently studied law. Taking up the practice of his profession at Fredericksburg, his talents brought him rapidly to the front. He was a member of the House of Representatives from 1830 to 1838, when he resigned, in order to continue the practice of law, in which he achieved a distinguished eminence.

CHAPTER XIX

SPEECHES AND DEBATES IN CONGRESS—THE JUDICIARY ACT—THE BILL TO REMOVE WASHINGTON'S BODY—ADDRESS TO CONSTITUENTS—TYLER'S LETTER

Though Gordon was not a frequent speaker on the floor of the House, yet the reports of the debates contain his speeches upon various questions. In the session of 1832-33 he discussed the question of Nullification; and in the course of his speech he said that he thought that "the wisest mode of resistance to the spirit now prevailing in South Carolina was to meet it by a spirit of conciliation; to meet the crisis arising from the oppression of the government by showing a disposition to relieve it." In another speech on the same subject he deprecated the employment by the Administration of force against South Carolina.

During the session of 1833-34, in addition to speaking in support of the Virginia Resolutions condemning the removal of the deposits, he took part in the debate on the bank deposit bill in connection with his amendment; and in that of 1834-35 he discussed the same bill, in the debate which involved again the merits of his Sub-Treasury scheme.

One of his earliest speeches in the House was upon the bill to repeal the twenty-fifth section of the Judiciary Act of 1789, by which the Supreme Court of the United States was empowered to pass upon the constitutionality of State laws. The House Judiciary Committee, of which he was a member, reported on the 25th of January, 1831, in favor of the repeal of the twenty-fifth section on the ground of its unconstitutionality. The tenure and method of appointment of the Federal judges had always

been objectionable to Mr. Jefferson and the State-Rights Democrats; and Jefferson had inveighed against the power conferred upon the Supreme Court by this section, in his first inaugural, in which he said:

"I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court, not do I deny that such questions must be binding upon the parties to that suit, while they are also entitled to very high respect and consideration in all parallel cases by all departments of the government. But if the policy of the government upon a vital question affecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court, the moment they are made, the people will have ceased to be their own masters; having to that extent resigned the government into the hands of that eminent tribunal."

There was not only a majority, but a minority report from the Judiciary Committee, the latter being prepared and presented by James Buchanan, afterwards President. Upon the coming in of these reports to the House, Gordon engaged in the discussion which ensued, and actively supported the majority report. Phillip Doddridge, of Virginia, expressed the opinion, in the progress of the debate, that the repeal of the twenty-fifth section of the Judiciary Act was "equivalent to a motion to dissolve the Union." To this Gordon replied:

"As to the constitutionality of the twenty-fifth section of the Judiciary Act, has it not been mooted frequently? It was neither a new question, nor an alarming one. Could it be new, especially to a Virginia lawyer? Did the gentleman not know that the Virginia Judiciary, with Roane at its head, had solemnly denied the constitutionality of that section?

Did he not also know that many of the leading men of the State, including John Taylor of Caroline, had contended that the section was unconstitutional? Did not Georgia, the other day, by her legislature deny the constitutionality of the act, and order the executive, with all his powers, to repel its enforcement on her? Had not Pennsylvania too declared it unconstitutional, and resisted its execution?"

Continuing his argument, he alluded to the famous case of *Cohens* vs. *Virginia,* in which the State of Virginia had been made a party before the Supreme Court of the United States, where the case was decided ten years before, and had employed distinguished counsel to argue the unconstitutionality of the authority claimed by the Court.

The repeal-bill, however, was defeated by a vote of 137 to 51; though among the minority were some of the leading administrationists.

"Since the case of *Cohens* vs. *Virginia,*" wrote John Randolph of Roanoke to his friend, Dr. Brockenbrough, "I am done with the Supreme Court!"

The twenty-fifth section of the Judiciary Act of 1789 gave a right of appeal to the Supreme Court of the United States from a final judgment of a State court on what are now known as "federal questions." In February, 1821, Chief Justice Marshall, in his opinion in *Cohens* vs. *Virginia,* upheld the constitutionality of the Twenty-fifth section of the Judiciary Act, and enunciated and illustrated for the first time in American jurisprudence the "supreme law" clause of the Constitution, with its legitimate conclusions. The doctrines of federalism contained in this opinion, and in the bank cases of *McCulloch* vs. *Maryland,* in February, 1819, and *Osborne* vs. *The Bank of the United States* in 1824, had caused a flame of opposition to burst forth, whose fires were still burning. They seemed to justify Randolph's famous remark about seeing, when a youth, the first

President take the oath to support the Constitution, and how two men in Virginia, George Mason and Patrick Henry, beheld what Washington did not see, "the poison under its wings!"

The doctrines set out in these opinions were ably controverted by Judge Spencer Roane, who married Patrick Henry's daughter, in a series of powerful articles in the Richmond *Enquirer* from May 10 to July 13, 1821, over the signature of "Algernon Sidney."

"Organized opposition to them," says Mr. Alexander Johnston, "in several States was only checked by the overshadowing importance of the Missouri question."

Three days after the coming in of the majority and minority reports on the repeal of the twenty-fifth section of the Judiciary Act, Gordon voted in favor of the consideration of a resolution offered by Mr. Joseph LeCompte of Kentucky, directing the Judiciary Committee of the House to inquire as to "the expediency of amending the Constitution of the United States, so that Judges of the Supreme Court and of the inferior courts shall hold their offices for a limited term of years." The House refused to consider the resolution by a vote of 116 to 60.

On the 13th of February, 1832, Gordon made a characteristic argument against the proposal then pending to remove the body of George Washington from Mount Vernon, and deposit it under the dome of the Capitol, where the crypt prepared for it still remains unoccupied, after the lapse of nearly a hundred years.

In 1816 the General Assembly of Virginia had, by resolutions unanimously adopted, requested in the name of the State that Washington's body might be removed from Mount Vernon, and interred near the State Capitol, beneath a monument to be erected at public expense, "to serve as a memorial to future

ages of the love of a grateful people." The family of the President, however, declined the request.

In February, 1832, it was determined by Congress to celebrate with great ceremony the centennial anniversary of Washington's birth on the 22d of that month; and the resolution provided further "that the President be requested to superintend the deposit of the remains of the deceased in the place which has been selected for that purpose."

At the same time, a resolution was adopted for placing the body of Mrs. Washington in the same receptacle with that of her husband; and Mr. Calhoun, as Vice-President, and President of the Senate, and Mr. Stevenson as Speaker of the House, communicated to Mr. John A. Washington, the grandnephew of Washington and the owner of Mount Vernon, the application of Congress for permission to remove and deposit the body of Washington in the National Capitol, "in conformity with the resolution of Congress of the 24th of December, 1799;" and its request for a like disposition of the body of Mrs. Washington, who had, on December 31, 1799, consented to the execution of the last named resolution, in a letter addressed to President Adams. A similar request was made of Mr. G. W. P. Custis, in relation to the body of Mrs. Washington.

Mr. Custis consented; but Mr. Washington declined to accede to the removal, on the ground that General Washington's will, "in respect to the disposition of his remains, has been recently carried into full effect, and they now repose in perfect tranquility, surrounded by those of other endeared members of the family."

Gordon's speech, made before the letter of Mr. Washington was written, appears as follows in Benton's "Abridged Debates:"

"Mr. Gordon of Virginia expressed his deep regret that on an occasion like this there should be

any division of sentiment amongst those who were called to celebrate the birthday of the most illustrious of our citizens, and he could not but think that there would have been a unanimity more worthy of the occasion, had not the select committee thought proper to introduce a resolution, calculated in its very nature to produce division. The question it involved had from the beginning been an exciting and a dividing question. General Washington had died in the bosom of his family, after a long life, glorious to himself, to his country, and to mankind. He had been buried upon his own estate amidst his own connections, by his family and his neighbors; and what was now proposed to be done? To violate the sanctity of the grave; to take his bones from their honored deposit, and translate them to another spot.

"Mr. Gordon said he knew it had been common, when our heroes had perished in foreign lands, to redeem their bones by a national act from the estrangement into which they had been accidentally thrown. But he suspected that the present was the first instance, when it had been proposed or was thought of, to take their remains from the home of the deceased and from their native soil. And for what? For a monument to his memory? Had it not been once said of an illustrious foreigner that 'all Florence was his monument'? And might it not, with equal truth and force be asked, is not this city a monument to Washington? Nay, we might ask, was not the entire country his monument, and her liberty and happiness his best and noblest memorial? He must disagree with one of his colleagues (Mr. Mercer) in the sentiment that the removal of the ex-animated bones of the patriot would have any great efficiency towards cementing the Union of the States. The way to cement the Union was to imitate the virtues of Washington, to remove not his body, but if possible to transfer his spirit to these

halls. Gentlemen could not suppose that the mere removal of his dust would infuse into men's breasts any higher veneration for his virtues. Let it rather be their part, instead of disturbing his bones, each to go to the altar of his country and swear to imitate the example of Washington.

"He said there was another aspect of the subject, which he was sorry to advert to, yet as a Virginian he could not, for his soul, repress. Congress had no right to remove that dust. Washington had given his life to the United States, and Virginia rejoiced to remember it. But his bones belonged to her soil. Her sons honored the spot where they reposed; and they thought that that was a spot, where, if anywhere, union and peace should ever dwell. The act proposed in the resolution was but a vulgar honor. It degraded Washington to the measure of little men, who needed monuments to preserve their names. Since the art of printing had been invented, pillars and monuments were but idle records. Letters were the best, the enduring monuments. They held the name and the deeds of Washington, and would hold them forever; and it was vain to attempt by an empty pageant, unchristian in its character and every way in bad taste, to add anything to Washington's immortality. Such a celebration would be sure to dissatisfy the people of his native State. In a great association of republics, such as ours, the best and fairest competition is this: who should furnish citizens most devoted to their country? Who should be farthest from that selfishness which degrades a patriot? Let such be our emulation, and let the virtues of Washington be set before us as our model. If we practise these, then will our Union be immortal. But let not the House, by separating the remains of Washington from his own beloved State, and making them an object of the vulgar gaze, seek to gratify men who could never be moved by a consideration of his great example."

A week later, on February 20, 1832, the General Assembly of Virginia unanimously adopted resolutions earnestly requesting the proprietor of Mount Vernon, in the name of the people of the Commonwealth, not to permit the body to be removed to Washington.

In a later year Gordon said in a letter to his wife, written on an April day:

"On Saturday I visited for the first time Mount Vernon, and lingered some time at the tomb of Washington. I felt strange emotions; and, in spite of me, a tear started to my eyes, as my mind glanced over the past and the present. It is a beautiful spot, worthy to contain the remains of the first man of America."

Gordon's severance of party ties had brought upon him the hostility in his district which Jackson systematically fomented against those who had been Democrats and had antagonized him; and which proved conspiciously effective in the cases of Richard Henry Wilde and of Crockett. In May, 1834, with the congressional elections approaching, he wrote from Washington to Mrs. Gordon:

"In regard to the movement in my district I am very indifferent personally. Whenever the people think I have abandoned their interests, or that they can be more ably represented, I am willing to retire."

The movement referred to was one to elect his neighbor, Mr. William C. Rives, then temporarily in political retirement, to the House of Representatives from the district, in Gordon's place. Mr. Rives had a short time before resigned from the United States Senate, because of his unwillingness to support the Senate's vote of censure of the President for removing the deposits—a measure which Mr. Rives ap-

proved, but which the General Assembly of Virginia highly reprobated, as indicated in the resolutions presented to the House of Representatives by Gordon.

"I have never been in the way of Mr. Rives," continued the latter, in the intimacy of the last-quoted letter to his wife: "I have been content to see him wear the highest honors of the country, without rivalry and without envy. I have asked nothing for myself; I have sought no office; I have no aspirations beyond the wishes of my constituents."

Mr. Rives was elected by the General Assembly, whose political character had changed, to his former position in the United States Senate; and the Jacksonian Democracy of the district nominated Mr. James Garland as Gordon's successor.

On the 20th of August, 1834, Gordon addressed the following letter to his constituents of Amherst County, as an account of his stewardship given to the whole district:

"Amherst C. H., 20th August, 1834.

"Gentlemen:

"Be pleased to accept for yourselves, and for my fellow-citizens of Amherst, my sincerest thanks for the welcome you have given me to your liberal and patriotic county, and for the generous sentiments of approbation with which you have cheered my humble services, as your representative in the late session of the Congress of the United States.

"A free constitution is the birthright of every Virginian; and ere we cease to defend it, and the sacred rights which it sustains and consecrates, we must forget the glories of our history, and degenerate into ignoble descendants of the immortal men, who in the vanguard of freedom achieved our liberties, and transmitted them to us, guarded by free constitutions.

"The crisis in our affairs is portentous. The ad-

ministration of the Federal Government has been characterized by extraordinary assertions of authority on the part of that Government. The President of the United States has greatly misapprehended the true history and intent of our Constitutions, both State and Federal. In the unexpected and strange proclamation, which he issued after his second election to the Presidency, the States were consolidated into a mass, their sovereignty denied, the limitations on Federal authority obliterated, and the rights of the States and the people, under express reservations, were cancelled and denied. The degrading epithet of traitor to his country was affixed to the names of those who owned allegiance to the sovereignty, and obedience to the laws of the States which gave them birth. A bill known as the Force Bill embodied the principles of this proclamation into an unconstitutional law. The army, the navy, the militia, the treasury, were yielded by Congress to the President of the United States, as a substitute for the courts of law. Trials of our citizens in the Federal Courts were authorized, in derogation of the rightful jurisdiction of the tribunals of the State. The civil constitutions were buried with military honors by the representatives of the people and the States; the President of the United States made the sole monarch of the concentrated powers of the whole system; the glorious stars of your twenty-four sovereign and independent States struck from the brilliant flag of the Union, and the stripes of gloomy despotism waved in melancholy triumph over the darkened liberties of the Confederacy.

"When we give power, we know not what we give. The appetite for it can never be satisfied. The last session of our Federal legislature was distinguished by new, and to a large portion of the people of the Confederacy, still more alarming assertions and exertions of power. Not content with having repealed the Constitution by proclamation,

and obliterating the rights of the States, the President claims for the Executive Department of the Federal Government the powers of all the departments of that government. Sixty days before the meeting of the representatives of the people, and of the States, in Congress, he caused on his own responsibility the revenue of the United States to be removed from the deposit in the United States Bank prescribed by law, and placed it in various State banks, under regulations and stipulations prescribed by executive authority, and not sanctioned by the law of the land. He adjudged that the Bank was unconstitutional and had violated its charter. He inflicted a penalty for that violation, and made a system of executive legislation for the revenues of the country.

"We hold it as a great element of civil liberty that an executive chief magistrate can have no rightful authority to touch, or in any manner to control, the revenues of the people. Liberty cannot co-exist with such a power. Hence our own Constitutions have guarded this as the vital principle of freedom, and prescribed the mode of raising and collecting the revenues by Congress, and provided that no money can be drawn from the treasury without an appropriation by law.

"The President, in vindicating this power, claims for the executive still other new and alarming powers and responsibilities by virtue of his power to remove and appoint officers, both of which he claims as constitutional. He asserts the responsibility of every officer to *him,* because he is to see the laws faithfully executed; he interprets the discretion, which the law confides to others, by his supreme will, and acts accordingly. He abuses the power of removal, to effect that, which if done directly, would be a palpable and ruinous usurpation of authority, and stands in proud defiance of the clamors of the people and the resolves of the Senate.

"To the rapid waves of this whirlpool of power I have made a firm but ineffectual resistance. Nothing but the power and firmness and purity of the people can still the storm, and say to the advancing tide, 'Thus far shall you go, and no farther.'

"Will not the people give the order? Will not Virginians—men of the land of Henry and Mason and Washington and Jefferson awake, arise, and spurn from them the base bribes with which power and patronage may tempt them to the surrender of their liberties, and the sale of their birthright of freedom? It must be so. We cannot be slaves whilst we stand on the graves of our invaders, and those of the immortal men who conquered our liberties, and gave us our peculiar constitutions of freedom.

"I see in the spirit and patriotism of the people of Amherst a sure pledge that they can never submit to lawless power. Throwing from them the distinctions of party, unpledged to men, and looking only to their country and to liberty, they will march in unbroken phalanx, and I trust, with all Virginia, till lawless authority shall be rebuked, and the indignant resistance of freemen has driven back these invasions of their liberty.

"For the kind and too personal approval which your friendship has made of my character and services, I can only assure you that my zeal in the cause of liberty is unabated; and that the approbation of my constituents is the only incentive I have ever had to the exertion of my very poor abilities in the cause of our common country.

"I accept your invitation to a public dinner; and mention Friday next as the day most convenient to meet you.

"With sentiments of great personal regard, I am, gentlemen, your faithful servant and fellow citizen,

"W. F. Gordon.

"To Saml. M. Garland, Jos. K. Irving, W. S. Crawford, Wm. H. Garland, H. J. Rose, Addison Glascock, Jas. S. Pendleton, Chas. B. Claiborne, John Thompson, Jr., H. T. Brown, J. P. Garland and Champe Carter, Esquires."

President Jackson had determined to dictate to the country his successor in the Presidential office, and had fixed upon Mr. Martin VanBuren, of New York, as the man of his choice. This was regarded as another act of executive usurpation by the opponents of the administration. Mr. Tyler, then one of the Senators from Virginia, suggested Mr. Tazewell as the strongest man with whom to beat VanBuren. He wrote to Gordon on the subject, as follows:

"Gloucester, Nov. 9th, 1834.

"My dear General: I am but a day ago from the North, where I left the advocates of Presidential power shouting their loudest huzzas at the result of the New York election. Will you believe me when I declare to you that I was half inclined to join them, and my object in writing to you is to tell you the reason. My visit to the North and East fully satisfied me that, if New York declared against VanBuren, Webster would at once be proclaimed candidate for the Presidency.

"The South would not have entertained him, and the consequence would have been great danger to the Union. With political designs, the tariff would have been revived, and the slave-question would probably have been moved in relation to the District. At all events we should either (I mean the South) have been thrown into the arm of some other Northern or Western man, or the contest which would have arisen would have exerted a feeling of hostility between the sections. This election avoids these contingencies. Webster is driven from the field, and the whole North is in a state of despair.

"What are the prospects from the West? Equally bad. The great Middle States are for VanBuren—rely upon that. Ohio and Kentucky are with us, while Indiana and Illinois will either go to VanBuren or support R. M. Johnson. In one word, *no Bank man* can be elected. Every day will go farther and farther to establish this.

"What then is the prospect before us? Absolutely one of gloom, unless a Southern man can be found who will unite the whole South, and thereby ensure to himself the support of all the anti-VanBuren States. I say all the opposition States—and I say it with full knowledge that these States everywhere will now rally on the strongest man. Who then can unite the whole South? I have brought myself to think that Governor Tazewell is that very man. Maryland waits but a nomination—perhaps she may move in advance with one of her counties, and at an early day. North Carolina and South Carolina will rally to him I have no doubt; Georgia will not forget the steady and able advocate of her rights, when she most required an advocate; while Alabama and Mississippi will recollect that he is the first public man who ever proposed a reduction in the public lands; while Virginia, if her people are wise, will and ought to unite upon him as affording the means of bringing together the old State-Rights party, which the proclamation separated.

"What say you, my dear sir, to these speculations? I am sanguine a decided move is all that is required. The North and East are panic-struck, and all men avow their readiness to unite on any 'gentleman.' I mentioned Tazewell to a Pennsylvanian, Kentuckian, and Marylander. They snatched at the suggestion. I should not be surprised if he is named in some public journal of each of these States forthwith. No matter where his name may be first brought out, it will spread like lightning—that is my opinion. Is there then cause for despon-

dency? What if recent events shall ultimate as I predict—shall I not be right in saying that I felt disposed to join in the huzzas?

"I asked myself to whom shall I address my notions—and I sat down to address you. I felt that you would even indulge me in a delusion, if you should so consider it, so full of pleasing anticipations for the country and the liberty of the human race. I know I need not ask you to meditate on these things, but I will request you to show this to Gilmer, should it fall in your way; and if you think it well, cause to be thrown out some suggestions in the Charlottesville paper. When we meet in Washington, we will talk more at large.

"Yours most truly,

"J. TYLER.

"GENERAL GORDON."

On the 8th of December, of the same year, Gordon wrote from Washington to his wife that Mr. Ritchie's loss of his election as public printer "has produced much sensation here in both parties;" and rejoiced that "Mr. Leigh's election is now considered certain"—a prognostication that found its fulfillment a short time thereafter in the choice of Mr. Benjamin Watkins Leigh to the United States Senate by the General Assembly of Virginia as successor to Mr. Rives.

Gordon's own defeat for Congress by Mr. Garland in the congressional election of 1834 had not served to sour his kindly and generous spirit. To his wife, who was then residing in the old Maury house at Edgeworth, which was burned in the February following, he said in the same letter: "I am happy to hear that Mr. Rives' family are mingling in the society of the neighborhood without reserve. I should be extremely mortified if the demon of party should expel the social virtues from our neighborhood. I hope you will visit Mrs. Rives, and offer

her the hospitality of our humble dwelling. I do not wish to embark our ladies on the stormy sea of politics. Long may their smiles and approbation be the purest rewards of patriotism, whilst they separate themselves from those angry feelings, which men contending for empire always feel."

CHAPTER XX

DEFEATED FOR CONGRESS—CALHOUN'S LETTER ON JACKSON'S DICTATION OF A SUCCESSOR—BARNWELL ON THE WHIGS—TYLER AND THE EXPUNGING RESOLUTION.

The result of the election in Virginia was a triumph for the Jacksonian Democracy. Gordon, defeated by a "conservative" Democrat, ended his six years' career as a member of the House of Representatives with the close of the second session of the 23d Congress, which adjourned on the 3d of March, 1835. Jackson, who had determined on VanBuren as his political heir, also determined that he should be nominated by a national convention. The convention met in Baltimore in May, 1835, and named VanBuren, and Richard M. Johnson of Kentucky as candidates for President and Vice-President, and adjourned without a formal platform, but as standing on Jackson's "policies." Mr. Calhoun viewed the situation with great anxiety. In the same month in which the Jacksonian Democracy met in convention in Baltimore, Calhoun wrote to Gordon as follows:

"Fort Hill, 22d May, 1835.

"My Dear Sir:

"The results of your election have cast a deep and universal gloom over the patriotic and reflecting in this quarter. Who could have thought it, that the oldest and the proudest of the slave-holding States, the most steadfast heretofore in her political principles, and to which all the South looked up as to a leader in their political struggles, would in so short a time become a colony of New York, to be ruled by the lowest and basest cabal that ever aspired to dominion? The sympton is awful. In Virginia the

doom of the slave-holding States is fixed, unless something is done promptly to arrest the current of events. We shall be the most degraded portion of the civilized world. Our condition will be worse than our slaves, who will have the sympathy and kindness of our masters of Albany, while we shall be the object of their scorn and hatred, unless protected by their contempt. Something must be done; but what that something should be is a great and serious question.

"I see that in order to save yourselves from the grasp of the regency, you are moving on White. You know my opinion on that point. The very resort to it is among the strongest symptons of our decay. I do not condemn the move. It may be necessary in the desperate state into which you are thrown; but I doubt the success of the move, and if it should prove successful, I doubt the consequences. Much however, will depend on the ground on which the canvass is placed, both as to the success of the move, and its consequences, whether successful or not; and it is to that point I wish to call your attention, as one, if judiciously taken, which may blend it with great and important consequences.

"I do not know how others may regard it, but as to myself, I would view the success of the Executive's nominee to be a case of open and palpable usurpation of the supreme executive power; as much so as if it had been effected by the army and navy. I see no practical difference whether the Executive employs them, or the more effectual and dangerous means—the patronage of the Government—to give us a ruler, unless indeed it be more base and fatal to submit to the latter than the former. I for one, at least, am prepared to take this high and manly ground in advance, and to announce openly and boldly that the attempt of the Executive to nominote his successor would, if successful, constitute a case of manifest usurpation of the supreme execu-

tive power, and of plain subornation of our institutions and liberty,—be in fact the establishment of an odious and corrupt despotism on the ruins of our Republican institutions, and that obedience to such authority would be a matter of discretion and not of constitutional obligation. Let this ground be assumed openly and boldly, accompanied by a determined assault on the traitorous assembly of office-holders and office-seekers at Baltimore, and a new and far more interesting and hopeful character will be given to the canvass—one which would attract the affection of all who are in favor of liberty and opposed to usurpation and slavery, and which will yield fruits whether you are victors or not.

"Permit me to add, in reference to yourself, that you had no friend who took more interest personally in your success, or felt more mortified in your defeat.

"Yours sincerely and truly,

"J. C. CALHOUN.

"HON. WM. F. GORDON."

The combination of strict-construction Republicans and National Republicans who were opposed to Jackson, the latter of whom were now generally known as Whigs, put forward in Virginia "The People's Republican Whig Ticket," with Hugh L. White of Tennessee, as their nominee for President and John Tyler of Virginia for Vice-President. Gordon was one of the electors on this ticket; and other Virginians of prominence on it were Mark Alexander, Chapman Johnson, John L. Marye, John Janney, Charles James Faulkner and Briscoe G. Baldwin.

Judge White was in the Senate from Tennessee, in which body he had been Jackson's successor. Gordon had known him personally and pleasantly as a member of his mess, when he and the others who belonged to it, including Benton, were "all Jackson men." White had supported Jackson

in his war on the Bank; but in February, 1835, he had attacked the administration in a speech in favor of restricting executive patronage. He had followed this up by another speech in opposition to Benton's resolution to "expunge" the resolutions of censure, that had been passed by the Senate, condemning Jackson for removing the deposits; and was now so far advanced into the camp of Jackson's opponents as to attract their attention to him as an available candidate with which to oppose the candidate of the President.

But the Republican-Whig combination lacked unity; and while Republicans and Whigs in the South supported White, the Whigs of the North voted for General William Henry Harrison, who was not inoculated with the virus of State-Rights. White carried Tennessee and Georgia, receiving twenty-six votes in the electoral college. Van-Buren had one hundred and seventy, and was elected. Harrison's vote was seventy-three; while Webster got fourteen, and Willie P. Mangum of North Carolina, eleven. "The double-shotted ticket killed us," wrote Tyler to Henry A. Wise in January, 1837, alluding to the division of the coalition, in the election, between Harrison in the North and White in the South.

Everywhere the feeling of discord was rankling, without regard to North or South. The State-Rights men had little or nothing in common with the National Republicans, except hostility to Jackson. Neither element trusted or liked the other. Mr. Robert W. Barnwell, of South Carolina, illustrated this feeling of distrust and discord in a letter written some months earlier to Gordon:

"Beaufort, S. C., 6th August, 1834.

"My Dear Gordon:

"I believe that you know enough of my disinclination for writing to be somewhat surprised at receiv-

ing this letter from me. Whilst I say truly that I have felt much interest in your political course, and would have been much pleased at a renewal of our intercourse, yet I must acknowledge that it required some additional motive to overcome my repugnance to letter-writing. A young gentleman of Beaufort requested me to obtain some information with respect to your University at Charlottesville, and I knew no one who was more competent to afford us this information than yourself. Will you be so kind as to forward to me some enumeration of the studies required for admission, and the studies pursued by the different classes, together with such remarks as may facilitate the object of this application?

"It is not long since we were together in Washington, comparing and contrasting my sombre and your bright prognostications with respect to the destinies of the Republic. And yet so rapidly have events of the deepest import to the freedom of the people hurried to their consummation, that I can scarcely believe that our Government has only had one additional year of maturity to ripen its powers. Although no longer feeling the madness of the strife, strong associations with numerous and valued friends have given a spur to the patriotic anxiety with which I have watched passing events. I know not whether you will not suspect me of being so deeply imbued with nullification as to feel an insane terror of legislative usurpation; but so it is, that even the furious career of the old vandal, who is called President, affects me with less gloomy anticipations of our future security in the enjoyment of institutions truly free than the base and shameless love of spoil indicated in both houses at the close of the session.

"I cannot say that my past experience permitted me very sanguinely to anticipate forbearance among our Northern and Western legislators; yet the immediate danger of our civil rights, and the united stand made for them by South and North ought in

reason to have mitigated the ravenousness of the Whigs. How very far this was from being the case, the immense amount of your appropriations will show. The position of the State-Rights party is extremely dangerous, whilst it is compelled to act with those who are the most formidable and deadly enemies of its principles. Whilst Webster rules the National Republicans, they never will permit any measure to be adopted which will strengthen the State-Rights party. They will give us warm professions, but their enmity neither slumbers nor sleeps. Yet aware as I am of the danger of your position, I cannot devise any more safe or more efficient line of policy than that which you have pursued. It is truly melancholy to be obliged to refer the greater part of our present dangers to the collisions of Van-Buren and Calhoun. Of the blame I acquit Calhoun, for his talents (which rendered him dangerous to the other aspirants) he could not and ought not to have suppressed. Yet whilst in the commencement of the contest I believe him to have been far more sinned against than sinning, I will not say that his subsequent course has been uninfluenced by resentment or ambition. Yet I cannot but find excuses for his faults in his fate, which has thrust him upon a people who have neither virtue nor intelligence sufficient to appreciate his greatness.

"I congratulate you personally that you are now thrown openly and entirely in opposition to the schemes of that wicked cabal, which rules the land * * * If you see Gilmer, make my kind remembrances to him. Believe me,

"Very sincerely your friend,

"R. W. Barnwell.

"Gen. Wm. F. Gordon."

Barnwell deserves more than a casual mention in these pages. He was younger than Gordon by some ten or twelve years; but their associations during

the former's two terms in Congress from 1829 to 1833 had thrown them into a close personal companionship, which resulted in a mutual regard and admiration. If the younger man had no such halo of earlier romance adorning his story, as did Gordon's latest Presidential candidate, Judge White, who at seventeen years of age was said to have ended the Cherokee war, when under the command of General Sevier he won the battle of Etowah, by shooting the Cherokee Chief, King Fisher; yet Barnwell was even at this time a prominent man in his State, and destined later to have a career that was as patriotic as it was highly distinguished. After leaving Congress he occupied for six years the dignified position of president of the College of South Carolina. Retiring on account of his health, he was appointed to the United States Senate, and served during the session of 1860. He represented South Carolina in the convention of seceding States, which met at Montgomery, Alabama, early in 1861; and it was by his casting vote that Jefferson Davis was elected President of the Confederate States. Mr. Barnwell served his State and country later as a Senator in the Confederate Congress at Richmond; and died in Columbia, South Carolina, on November 25, 1882, in his eighty-second year, admired, honored, and esteemed by all who knew him.

The election of VanBuren, and his adoption of Gordon's plan of an Independent Treasury as the leading measure of his administration, brought about the practical destruction of the coalition between the State-Rights Republicans, or Democrats, and the National Republicans, or Whigs. In 1837 Mr. Calhoun returned to an active affiliation and co-operation with the Democratic party on the specie platform of the Independent Treasury; and Gordon and a host of Virginia State-Rights Democrats went with him. In 1840 Gordon supported with voice and vote the nomination of VanBuren for a second term, while

the Whigs now centered their attacks upon his financial policy and the Sub-Treasury scheme. When the electoral votes were counted in February, 1841, William Henry Harrison, the Whig candidate, had a great majority over his competitor, VanBuren; and Mr. Tyler, who was a State-Rights man, but had remained with the Whigs, was elected on the ticket with General Harrison, and succeeeded him as President upon his death a month after his inauguration.

In the mean time, early in 1836, the General Assembly of Virginia passed resolutions instructing the Senators from that State to vote for Benton's expunging resolution. These Senators were Benjamin Watkins Leigh and Mr. Tyler. Leigh refused to be instructed, and held on to his seat. He wrote to Tyler:

"I will not be instructed out of my seat. I will not obey instructions which shall require me to vote for a gross violation of the Constitution. If I shall be instructed to vote for expunging or rescinding the resolution of the Senate disapproving General Jackson's conduct in removing the public deposits from the Bank, I shall obey the instruction when I shall be prepared to write myself fool, knave and slave, and not before,—when I shall be prepared to obey an instruction to vote for the abolition of the Senate, and with it of the State sovereignties,—when I shall be willing to fix the monarchical doctrines of the protest upon this nation, and then, in effect to subvert the Republic. I know very well that I cannot do my duty to my country without a sacrifice of myself as a public man in my own State; for as the advocate of the right of instruction in 1812, I am peculiarly situated; but I am prepared to make the sacrifice without a sigh or a murmur."

Mr. Tyler consulted the judgment of his friends and political supporters of influence in the State. Governor Barbour and others advised against resig-

nation; while John Hampden Pleasants, the able and powerful editor of the Richmond *Whig,* favored his resignation. Gordon took the view of James Barbour and Benjamin Watkins Leigh, against resignation, and wrote Mr. Tyler the following letter:

"Albemarle, January 15th, 1836.

"My Dear Tyler:

"I received your welcome letter a few days ago. I have given to it all the consideration I am capable of. From your position on the stage of affairs, you have a more commanding view than I can possibly have, and my opinions may, therefore, be worth little; but as you request them, they shall be given in all sincerity. I am decidedly of opinion that you ought *not to resign.* That would be to do precisely what your adversaries desire you should do. I cannot tell in what form the resolutions of the legislature may pass. You say you would have no difficulty to obey an instruction to rescind the resolution of the Senate. Is that proposed by Watkins' resolution more than a proposition to rescind, supremely ridiculous as it is? The proposition to draw black lines around the original resolution, and to write on it that it is expunged, is a fetch to get around the constitutional objection to an obliteration of the Journal of the Senate, and a new interpretation to the word 'expunge.'

"Were I in your place, I should 'agnize a willing and prompt alacrity', and obey literally the instructions given. Obedience, however, is not what your masters at Richmond desire; they want your place, and Leigh's. Obedience will disappoint them woefully. As to the fate of that resolution of the Senate, it is now of no moment. It has already had its effect for good or evil; it never can be obliterated; the very effort to effect that would give it a more conspicuous place in history, and the posterity of this

degenerate and corrupt generation will have to decide whether you, who denied, or those who asserted, a rightful control over the public revenue for the Chief Executive officer, were the friends of liberty. You suggest the propriety of resigning, and appealing to the people. Discard the idea. Power can only be controlled by power. In your place you have power. You have a point from which you can defend yourself. If you resign, you sink into the great mass of citizens, without a shield to ward off the attacks of the press and the office power of the Administration.

"Your case will be unlike Rives'; he resigned with the Administration at his back—with all their power, money and presses; you would be a warrior going into battle without a sword or shield. The question of instructions has been so bandied in Virginia—has been so universally acknowledged—that it is very difficult to make the great body of the people understand its rightful from its false exercise by the legislature. I am decidedly of opinion that, if you can, without violating your own consciousness of duty to your country and yourself, obey the instructions of the legislature to the letter, it will have the happiest effect both for you and those with whom you act, on the people of Virginia.

"The time must come, and shortly, when the people of Virginia at least will learn that the control of the revenue of the country is not an executive function. The discussion of this subject at your present session will be received with more calmness than at the last. Let the charter of the United States Bank expire, and present the naked question to the community, and they must decide rightly. Mr. Calhoun's bill to regulate the deposits will be a fine opportunity, not only to relieve the Secretary of the Treasury from the high and painful responsibility which so much discretionary power has imposed, but of damning the Administration which imposed it on him.

"I expect great results from this session, from your body. Mr. Clay and Mr. Calhoun will both wield a power infinitely greater than when they were considered candidates of the Presidency. I am decidedly of opinion that VanBuren cannot get Virginia against White. I was at Louisa Court the other day, and was present at a meeting to send delegates to Richmond. Many of General Jackson's strong friends there are opposed to Van. What effect their dropping Colonel Johnson may have I know not. If Johnson himself has any of the hero remaining, I think he and his friends must look with indignation on the attempt to use him for the promotion of Van, and to his own defeat. My own opinion is that if ever we can get General Jackson's shield from him, he can be foiled. You must show up the corruption of the Administration. Do not give too much importance to the French question. It is a ruse of the Administration to call off the people from attending to their domestic demerits. There can be no war, and if there is, it will seal the fate of the party. But do not make a noise about it, to draw off the attention of the country from the misrule under which we are suffering.

"In regard to your own affair, I wish you all success. But I fear that it will be too good for us, even to get the second office of the government for a man of your politics. I am very sure, however, that you will be sustained by your own State, or rather by the party in Virginia, which must now stand for what Virginia once was. Make it a majority, and you and the cause are triumphant. But I candidly confess I have not much concern who is President, in comparison with the reassertion of those Republican principles, which were once the glory, and are now the disgrace by their abandonment, of Virginia. We have a very able paper at Charlottesville. The editor, Moseley, is a man of first-rate talent. It is

doing good in this part of Virginia. Give him a hand.

"Present me respectfully to any of my old friends who remember me,—to Robertson and Mr. Calhoun especially. Accept my congratulations on the marriage of your daughter. Present me most kindly to General Tipton and Mrs. McDaniel's family; and believe me,

"Your friend,
WM. F. GORDON."

Mr. Tyler proved himself a wiser politician than either Mr. Leigh or Gordon. He declined Leigh's example and Gordon's advice, and resigned. He lived to become President of the United States, while Mr. Leigh's public career ended with his term in the Senate.

When Calhoun, Tazewell, Gordon and a number of other leading State-Rights Republicans returned to the Democratic party in 1837, on the adoption of the Independent Treasury measure by VanBuren, they did not take with them from the Whig alliance all of the State-Rights men. Calhoun himself bewailed in a letter written in July, 1840, the existence of these conditions. "If united," said he, "victory (for State-Rights) would be certain, and safety placed beyond contingency."

The most representative State-Rights man in Virginia, who remained with the Whig party, was Mr. Tyler.

CHAPTER XXI

SLAVERY ON ITS DOMESTIC SIDE—NAT'S INSURRECTION—THE TRAGEDY AT GERMANNA.

From 1835, when Gordon's last term in Congress ended, down to the date of his death, the slavery question in its political aspect occupied a large space upon the stage of national affairs. At home, in Virginia, in 1831, it had shaken society to its foundations, and created a general alarm throughout the South, by a tragic happening in one of the eastern counties of the State that culminated in scenes of bloodshed and horror. This occurrence, which is known as "Nat's Insurrection," or "The Southampton Insurrection," was the massacre in August, 1831, of fifty-five white men, women and children in Southampton County by a body of some sixty or seventy slaves, under the leadership of a negro slave, named Nat Turner. The following account of this ghastly event was locally published a short time after its occurrence:

"The leader of this insurrection and massacre was a slave by the name of Nat Turner, about thirty-one years of age, born the slave of Mr. Benjamin Turner of Southampton County. From a child Nat appears to have been the victim of superstition and fanaticism. He stimulated his comrades to join him in the massacre, by declaring to them that he had been commissioned by Jesus Christ, and that he was acting under inspired direction in what he was going to accomplish.

"In the confession which he voluntarily made to Mr. Grey, while in prison, he says: 'That in his childhood a circumstance occurred which made an indelible impression on his mind, and laid the ground

work of the enthusiasm which terminated so fatally to many. Being at play with other children, when three or four years old, I told them something, which my mother overhearing, said it happened before I was born. I stuck to my story, however, and related some things which went, in her opinion, to confirm it; others being called on were greatly astonished, knowing these things had happened, and caused them to say in my hearing, I surely would be a prophet, as the Lord had showed me things which happened before my birth. His parents strengthened him in this belief, and said in his presence that he was intended for some great purpose, which they had always thought from certain marks on his head and breast.' Nat, as he grew up, was fully persuaded he was destined to accomplish some great purpose; his powers of mind appeared much superior to his fellow-slaves; they looked up to him as a person guided by divine inspiration; which belief he ever inculcated by his austerity of life and manners.

"After a variety of revelations from the spiritual world, Nat says, in his confession, that 'On the 12th of May, 1828, I heard a loud noise in the heavens, and the spirit instantly appeared to me, and said the serpent was loosened, and Christ had laid down the yoke he had borne for the sins of men; and that I should take it on and fight against the serpent, for the time was fast approaching when the first should be last and the last should be first—and by signs in the heavens that it would make known to me when I should commence the great work—and until the first sign appeared, I should conceal it from the knowledge of men. And on the appearance of the sign (the eclipse of the sun last February, 1831) I should arise and prepare myself, and slay my enemies with their own weapons. And immediately on the sign appearing in the heavens, the seal was removed from my lips, and I communicated the

great work laid out for me to do to four, in whom I had the greatest confidence, (Henry, Hark, Nelson and Sam). It was intended by us to have begun the work of death on the 4th of July last. Many were the plans formed and rejected by us; and it affected my mind to such a degree, that I fell sick, and the time passed without our coming to any determination how to commence—still forming new schemes and rejecting them, when the sign appeared again, which determined me not to wait longer.'

"Nat commenced the massacre by the murder of his master and family. He says: 'Since the commencement of 1830, I had been living with Mr. Joseph Travis, who was to me a kind master, and placed the greatest confidence in me. In fact, I had no cause to complain of his treatment to me. On Saturday evening, the 20th of August, it was agreed between Henry, Hark, and myself, to prepare a dinner the next day for the men we expected, and then to concert a plan, as we had not yet determined on any. Hark, on the following morning, brought a pig, and Henry, brandy; and being joined by Sam, Nelson, Will and Jack, they prepared in the woods a dinner, where, about three o'clock, I joined them. I saluted them on coming up, and asked Will how came he there; he answered his life was worth no more than others, and his liberty as dear to him. I asked him if he thought to obtain it? He said he would, or lose his life. This was enough to put him in full confidence. Jack, I knew, was only a tool in the hands of Hark. It was quickly agreed we should commence at home, (Mr. J. Travis'), on that night; and until we had armed and equipped ourselves, and gathered sufficient force, neither age nor sex was to be spared, (which was invariably adhered to). We remained at the feast until about two hours in the night, when we went to the house and found Austin; they all went to the cider-press and drank, except myself. On re-

turning to the house, Hark went to the door with an axe for the purpose of breaking it open, as he knew we were strong enough to murder the family, if they were awakened by the noise; but reflecting that it might create an alarm in the neighborhood, we determined to enter the house secretly, and murder them while sleeping. Hark got a ladder and set it against the chimney, on which I ascended, and hoisting a window, entered and came down stairs unbarred the door, and removed the guns from their places. It was then observed that I must spill the first blood. On which, armed with a hatchet, and accompanied by Will, I entered my master's chamber; it being dark, I could not give a death-blow; the hatchet glanced from his head, he sprang from the bed and called his wife; it was his last word. Will laid him dead with a blow of his axe, and Mrs. Travis shared the same fate as she lay in bed. The murder of this family, five in number, was the work of a moment, not one of them awoke; there was a little infant sleeping in a cradle, that was forgotten until we had left the house, and gone some distance, when Henry and Will returned and killed it; we got here four guns that would shoot, and several old muskets, with a pound or two of powder. We remained some time at the barn, where we paraded; I formed them in a line as soldiers, and after carrying them through all the manoeuvres I was master of, marched them off to Mr. Salathiel Francis', about six hundred yards distant.'

"They proceeded in this manner from house to house, murdering all the whites they could find, their force augmenting as they proceeded, till they amounted to fifty or sixty in number, all mounted, armed with guns, axes, swords and clubs. They then started for Jerusalem, and proceeded a few miles, when they were met by a party of white men, who fired upon them and forced them to retreat. 'On my way back' (says Nat), 'I called at Mrs.

Thomas', Mrs. Spencer's, and several other places; the white families having fled, we found no more victims to gratify our thirst for blood. We stopped at Major Ridley's quarter for the night; and being joined by four of his men, with the recruits made since my defeat, we mustered now about forty strong.

" 'After placing out sentinels, I lay down to sleep, but was quickly roused by a great racket; starting up, I found some mounted, and others in great confusion. One of the sentinels having given the alarm that we were about to be attacked, I ordered some to ride round and reconnoitre; and on their return the others being more alarmed, not knowing who they were, fled in different ways, so that I was reduced to about twenty again; with this I determined to attempt to recruit, and proceeded on to rally in the neighborhood I had left. Dr. Blunt's was the nearest house, which we reached just before day; on riding up the yard, Hark fired a gun. We expected Dr. Blunt and his family were at Major Ridley's, as I knew there was a company of men there; the gun was fired to ascertain if any of the family was at home; we were immediately fired upon and retreated, leaving several of my men. I do not know what became of them, as I never saw them afterwards. Pursuing our course back, and coming in sight of Capt. Harris', where we had been the day before, we discovered a party of white men at the house, on which all deserted me but two (Jacob and Nat). We concealed ourselves in the woods till near night, when I sent them in search of Henry, Sam, Nelson and Hark; and directed them to rally all they could, at the place we had our dinner the Sunday before, where they would find me; and I accordingly returned there as soon as it was dark, and remained until Wednesday evening, when, discovering white men riding around the place as though they were looking for some one, and none of my men joining me, I concluded Jacob

and Nat had been taken, and compelled to betray me. On this I gave up all hope for the present, and on Thursday night, after having supplied myself with provisions from Mr. Travis', I scratched a hole under a pile of fence-rails in a field, where I concealed myself for six weeks, never leaving my hiding-place but for a few minutes in the dead of the night to get water, which was very near; thinking by this time I could venture out, I began to go about in the night and eavesdrop the houses in the neighborhood; pursuing this course for about a fortnight, and gathering little or no intelligence, afraid of speaking to any human being, and returning every morning to my cave before the dawn of day. I know not how long I might have led this life, if an accident had not betrayed me. A dog in the neighborhood, passing by my hiding-place one night while I was out, was attracted by some meat I had in my cave, and crawled in and stole it, and was coming out just as I returned. A few nights after, two negroes having started to go hunting with the same dog, and passed that way, the dog came again to the place; and having just gone out to walk about, discovered me and barked, on which thinking myself discovered, I spoke to them to beg concealment. On making myself known they fled from me. Knowing then they would betray me, I immediately left my hiding-place, and was pursued almost incessantly, until I was taken a fortnight afterwards, by Mr. Benjamin Phipps, in a little hole I had dug out with my sword, for the purpose of concealment, under the top of a fallen tree. On Mr. Phillips discovering the place of my concealment, he cocked his gun and aimed at me. I requested him not to shoot, and I would give up, upon which he demanded my sword, I delivered it to him and he brought me to prison.'

"Nat was executed according to his sentence, at Jerusalem," (the county-seat of Southampton), "November 11, 1831. The following is a list of the

persons murdered in the insurrection, on the 21st and 22nd of August, 1831:

"Joseph Travis and wife, and three children, Mrs. Elizabeth Turner, Hartwell Prebles, Sarah Newsome, Mrs. P. Reese and son William, Trajan Doyle, Henry Bryant and wife and child, and wife's mother; Mrs. Catherine Whitehead, son Richard, four daughters and grandchild; Salathiel Francis, Nathaniel Francis' overseer and two children, John T. Barroe, George Vaughn, Mrs. Levi Waller and ten children, William Williams, wife and two boys; Mrs. Caswell Worrel and child, Mrs. Rebecca Vaughn, Ann Elizabeth Vaughn and son Arthur, Mrs. John K. Williams and three children, and Edward Drury—amounting to fifty-five."

The effect of this terrible massacre upon the public mind was to do away with the tendencies theretofore existing and steadily growing in Virginia towards the abolition of slavery in the Commonwealth.

As far back as October 5, 1778, the Virginia General Assembly had prohibited the importation of slaves into the State by sea or land, under a penalty of one thousand dollars fine for each one brought in, and by the emancipation of the slave himself; while the first constitution of the State, which was unanimously adopted on the 29th June, 1776, contained in its preamble the recitation that the King of Great Britain had prompted "our negroes to rise in arms among us, those very negroes, whom by an inhuman use of his prerogative he had refused us permission to exclude by law." Many men in Virginia of distinction and influence favored the emancipation of the slaves, and there were numerous instances of their manumission by testamentary provision. The proposition for abolition, prior to the time when the New England and Quaker conscience flung it as a burning brand into the political arena, had been one of grave consideration with many of

the statesmen of the Commonwealth; and not infrequently the matter had been one of counsel and discussion in its legislative bodies. But the difficulties of the situation were aggravated by the rapid growth of the slave population through natural causes; and by a threatened interference with the State's local matters by outsiders, that was now beginning to assume definite and determined shape.

Nat's Insurrection produced a profound and far-extending belief that it had been stimulated, if not directly caused, by the introduction and circulation among the slaves, through secret agents, of the abolition doctrines advocated in New England. The resolutions in favor of emancipation ceased to be introduced in the General Assembly; and the feeling against slavery, that had begun to grow so strong in Virginia, received a violent check. The first legislature which met after the bloody massacre in Southampton, instead of further considering plans of emancipation, enacted the most stringent laws for the government and control of the slave population. It forbade their meetings, it proscribed their instruction, and it imposed on the slaves themselves grave penalties for seditious and rebellious words. Much of this legislation, wrought out of the elemental passions that were aroused by Nat Turner's sanguinary performance, were subsequently repealed or modified; but there can be little doubt that the result of this murderous occurrence was to fix more firmly than ever before the bonds of the Virginia slave, until the day of his final disenthralment amid the convulsions and cataclysms of a relentless and bloody war.

How grave were the difficulties which were pressed upon the people of the slave-holding States, and especially of Virginia, where the desire to get rid of the institution, if some safe way might be found, had from the earliest days of the Commonwealth prevailed with many, was illustrated not only

by the savage onslaughts of the Northern abolitionists, but by more than one tragic incident in the domestic lives of the local slave-owners. One of these incidents happened in Gordon's immediate family circle, about six years prior to his death.

His brother, Armistead, a bachelor, and his two maiden sisters, Lucy and Elizabeth, had continued to reside, after the death of their parents, at the family homestead at Germanna. Lucy died first, leaving the other two to survive her in the possession of the property and the occupancy of the residence. In 1852 it became known among the negro slaves on the Germanna plantation that Elizabeth Gordon had made a will, manumitting her slaves, of whom she owned a number, their freedom to ensue after the expiration of the life-estate of her brother, Armistead, to whom she bequeathed them while he survived; and that the will, in accordance with the provision of the law of Virginia which required that manumitted slaves should be removed out of the State within a year, further provided that these negroes, when their freedom attached, should be sent to Liberia, for which purpose a sum of money was provided by the testatrix. The knowledge of the contents of Miss Gordon's will was communicated to the other slaves on the place by a negro servant-girl, who was a housemaid for her mistress, and who had been taught to read and write by her. This girl saw her mistress' will in a bureau-drawer where it had been inadvertently left; and a short time thereafter both the sister and brother died suddenly, one on one day and the other on the following, from poison in the coffee which had been prepared and served by the domestics in the house. The conclusion was irresistible that they had been murdered by the negroes in order that the latter might obtain the freedom that had been provided for them by the will. The will was probated and its provisions carried out by Gordon, who qualified

as administrator. The emancipated slaves were sent to Liberia; but they became very much dissatisfied after their arrival there, and more than one letter came back from them to Virginia, vainly entreating that they be returned to America and restored to slavery.

CHAPTER XXII

THE SLAVERY PETITIONS—SLAVERY AND SECESSION —THE COMPROMISE OF 1850.

The Ordinance of 1787 prohibited slavery in the Northwest Territory, that magnificent domain whose bestowal upon the Government of the United States by Virginia has entitled her since to the proud and significant appellation of "Mother of States." The State of Ohio was formed out of a portion of the Northwest Territory, and was admitted into the Union on November 2, 1802. The territory of the new State was rapidly settled; and thenceforward, during Mr. Jefferson's administrations, repeated and persistent efforts were made by citizens of Ohio, who are said to have felt the hardships of pioneer life, and to have pictured to themselves "in golden colors the ease and affluence incident to slave labor as it existed in the South," to legalize slavery in the region northwest of the Ohio River.

In the House of Representatives on the 8th of February, 1803, a communication was presented from Mr. William Henry Harrison, president of the convention of the Territory of Indiana, memorializing Congress on behalf of the convention, to suspend the article prohibiting slavery in the Northwest Territory.

Reports were made in favor of several similar petitions sent in to Congress, but they were never acted on; and finally a committee, of which Randolph of Roanoke was chairman, reported that it was not expedient at that time to suspend the sixth article of the compact of the government of the territory northwest of the Ohio River, which was the article prohibitive of slavery.

This ended the slavery dream of the people of the Northwest Territory.

It was hoped and believed by many that the Missouri Compromise, that sectional measure of demarcation which made two different peoples in one government, and alarmed Jefferson "like a fire-bell in the night," would end the question of slavery. But the issue was one that would not down. From the time of Gordon's entrance into Congress in 1830 until the final disposition of the institution of slavery by wager of battle, it was a thing that seemed to be almost constantly in the public mind.

When the true history of slavery shall come to be written by the dispassionate and philosophical historian, the attitude of the State-Rights slave-holders towards it as an institution will be better understood. "What is called slavery," said Mr. Calhoun, "is in reality a political institution, essential to the peace, safety, and prosperity of those States of the Union in which it exists." Gordon believed, with Calhoun, that it was so inextricably interwoven with the State-Rights doctrine of constitutional construction, that the abolition of the one meant the subversion of the other; and it was a belief entirely consistent with his attitude to the "basis" question in the Virginia Convention of 1829-1830, where he had aroused the wrath of the slave-holders of the eastern part of the State by espousing the cause of the white basis, as against that of the "federal numbers." The number of slaves in the slave-holding States had become very large; and the advocates of slavery viewed with an alarm that was prophetic the danger and the evils of emancipating such a population, and leaving them as freemen in the community.

Before the admission of Ohio, and the petitions of citizens of the Northwest Territory for slavery, the anti-slavery agitation had been begun. In 1790 petitions of Quakers in Pennsylvania and New York

were presented in Congress for the abolition of the slave-trade. Benjamin Franklin signed as its President "a memorial of the Pennsylvania Society for promoting the abolition of slavery, the relief of free-negroes held in bondage, and the improvement of the African race." This memorial was presented to Congress in the same year. At intervals, to 1820, various petitions in regard to slavery, chiefly from the Quakers, were presented; and in the latter year a number of petitions were offered against the introduction of slavery into any State thereafter to be admitted into the Union. Some of these were referred to committees, and others were merely read. It was not till 1827 that the abolition campaign was begun on a business principle by the presentation on February 12, of that year, by Mr. Barney of Maryland, of a memorial of certain citizens of Baltimore, praying that children thereafter born of slave parents in the District of Columbia might be free. The House refused to print the memorial, on the motion of Mr. McDuffie of South Carolina, and after a debate in which Mr. Dorsey of Maryland stated that the memorial breathed the general spirit of emancipation, and that though its request began with the District of Columbia, its ulterior purpose went much further. Four years later John Quincy Adams presented fifteen petitions from inhabitants of Pennsylvania praying for the abolition of slavery in the District of Columbia, and the abolition of the slave-trade therein. Mr. Adams asked that the petitions be referred to the committee on the District, saying that he regarded the abolition of the slave-trade in the District of Columbia a proper subject for legislative disposition; but that he would not support the abolition of slavery there.

In 1830, the year in which Gordon entered Congress,—as shown by the corrected census of that year, published in Force's "National Calendar" for 1832,

—every one of the then twenty-seven States and Territories of the Union was a slave-holding State or Territory, with the exception of Vermont; although the number of slaves in the New England States and in Ohio and Indiana was nominal.

In 1836 petitions for abolition in the District of Columbia poured into Congress; and Mr. Adams became the vehicle of their presentation. Mr. Calhoun proposed in 1837, in the Senate, a resolution "That the intermeddling of any State, or States, or their citizens, to abolish slavery in this District, or in any of the Territories, on the ground, or under the pretext that it is immoral or sinful, or the passage of any act or measure of Congress with that view would be a direct and dangerous attack on the institutions of all the slave-holding States."

On motion of Mr. Clay this resolution was amended so as to provide "That when the District of Columbia was ceded by the States of Virginia and Maryland to the United States, domestic slavery existed in both of those States, including the ceded territory; and that as it still continues in both of them, it could not be abolished within the District, without a violation of that good faith which was implied in the cession, and in the acceptance of the territory, nor, unless compensation were made for the slaves, without a manifest infringement of an amendment of the Constitution of the United States; nor without exciting a degree of just alarm and apprehension in the States recognizing slavery, far transcending in mischievous tendency any possible benefit which would be accomplished by the abolition."

The petitions continued to pour in, and the excitement over them in the House was intense. In 1838 Mr. Henry L. Pinckney of South Carolina moved, in the House of Representatives, a series of resolutions which provided that all the petitions should be referred to a select committee, with in-

structions to report that Congress could not constitutionally interfere with slavery in the States, and ought not to do so in the District of Columbia. The House adopted the resolutions, adding soon after a further provision reported from this committee that thereafter all petitions which related in any way to slavery or its abolition should be laid on the table, without action and without being printed or referred. Adams and Henry A. Wise met in fierce debate over the petitions. The former, who had started out in 1831 as the opponent of the abolition of slavery in the District, continued its opponent to the end. Wise, at a later period, said of him, that Mr. Adams "again and again, in the lobby, on the floor, told me vauntingly that the pulpit would preach, and the school would teach, and the press would print, among the people who had no tie and no associations with slavery, until would not only be reached the slave-trade between the States, the slave-trade in the District of Columbia, slavery in the District, slavery in the Territories, but slavery in the States. Again and again he said that he would not abolish slavery in the District of Columbia if he could; for he would retain it as a bone of contention—a fulcrum of the lever for agitation, agitation, until slavery in the States was shaken from its base. And his prophesies have been fulfilled—fulfilled far faster and more fearfully, certainly, than ever he anticipated before he died."

The petitions still continued to come in. On the 25th of February, 1850, Mr. Giddings of Ohio, in the House of Representatives, presented two petitions, one from Isaac Jeffries and other citizens of Pennsylvania, and the other from John T. Woodward and other citizens of Delaware and Pennsylvania, which were as follows:

"We, the undersigned inhabitants of Pennsylvania and Delaware, believing that the Federal Con-

stitution, in pledging the strength of the whole nation to support slavery, violates the Divine law, makes war upon human rights, and is grossly inconsistent with republican principles; that its attempt to unite slavery in one body politic has brought upon the country great and manifold evils, and has fully proved that no such union can exist, but by the sacrifice of freedom to the supremacy of slavery, respectfully ask you to devise and propose, without delay, some plan for the immediate, peaceful dissolution of the American Union."

The House declined to receive these petitions by a vote of 162 to 80. On February 1st, 1850, the same petitions, praying a dissolution of the Union, were presented in the Senate by Mr. Hale of New Hampshire. Three Senators voted for their reception; viz: Messrs. Hale, Chase of Ohio, and Seward of New York.

Calhoun assailed the petitions, from the time of their first multitudinous flood upon Congress down to his death, as "in themselves a foul slander on nearly one half of the States of the Union." Von Holst says of his attitude towards them: "The charge was wholly unfounded that he was endeavoring intentionally to incense the North and the South against each other, in order to promote the purpose of his party. He spoke the simple truth, when he asserted in his speech of March 9, 1836, that 'however caluminated and slandered,' he had 'ever been devotedly attached' to the Union and the institutions of the country, and that he was 'anxious to perpetuate them to the latest generation.' He acted under the firm conviction of an imperious duty towards the South and towards the Union, and his assertion was but too well founded that these petitions for the abolition of slavery in the District of Columbia were blows on the wedge, which would ultimately break the Union asunder."

The abolitionists were the original secessionists, who desired to destroy the Constitution and the Union, and to separate from the slave-holding States; and the State-Rights strict constructionists of Calhoun's type were the genuinely patriotic adherents of the Union and of its constitutional institutions. Gordon lived long enough after his retirement from active participation in public affairs to read that Mr. Wendell Phillips of Massachusetts said at a meeting in Boston in May, 1849, "We confess that we intend to trample under foot the constitution of this country;" and that Mr. William Loyd Garrison demanded in his paper, *The Liberator,* in September, 1855, "a Northern Confederacy, with no Union with slave-holders;" and that in the same paper of June 20, 1856, he denounced the United States Constitution as "a covenant with death and an agreement with hell."

Horace Mann said in the House of Representatives, during the 31st Congress: "Under a full sense of my responsibility to my country and my God, I deliberately say, better disunion—better a civil or a servile war—better anything that God in his providence shall send—than an extension of the bounds of slavery." The Rev. O. B. Frothingham of New Jersey said at a meeting of the American Anti-Slavery Society in New York, May 13, 1857: "He believed that this Union effectually prevented them from advancing in the least degree the work of the slave's redemption * * * As to the word Union, they all knew it was a political catchword."

Mr. Calhoun, on the contrary, with the prescience of the Hebrew prophet, said: "To destroy the existing relations would be to destroy this prosperity (of the Southern States), and to place the two races in a state of conflict, which must end in the expulsion or extirpation of one or the other. No other can be substituted compatible with their peace or security. The difficulty is in the diversity of the

races. So strongly drawn is the line between the two in consequence, and so strengthened by the force of habit and education, that it is impossible for them to exist together in the community, where their numbers are so nearly equal as in the slave-holding States, under any other relation than that which now exists. Social and political equality between them is impossible. No power on earth can overcome the difficulty. The causes lie too deep in the principles of our nature to be surmounted. But, without such equality, to change the present condition of the African race, were it possible, would be but to change the form of slavery."

The breach between North and South came to be an ever-widening one; and the wedge of their division, driven home by the persistent and relentless blows of the abolitionists, was slavery. The North had learned to look upon the Union under the Constitution as desirable only so long as it seemed useful or agreeable; for New England had attempted in 1803 to create a Northern Confederacy, consisting of five States of her territory, with New York and New Jersey; and after withdrawing from cooperation with the prosecution of the War of 1812, had held a convention of those States to formulate sectional autonomy. With the continued introduction of the abolition petitions into Congress, the North now began to regard State-Rights and the strict construction of the Constitution as mere dogmas, set up and persisted in by the South for the perpetuation of the hated institution.

Calhoun, with towering genius and prophetic foresight, beheld in the proposed abolition of slavery the overthrow of the society upon whose continued existence the happiness, the prosperity and the freedom of the people of the Southern States depended; and he foresaw, no less unerringly, in emancipation the destruction of the right of local self-government by the subversal of the State-Rights doctrine. The

time for the revolution which Jefferson had justified in his letter of January 1, 1826, to Gordon, and of which Calhoun asserted the right in his toast at the Jefferson Birthday Dinner in 1830, seemed to be drawing very near to the strict constructionists of the South in the year 1850.

"When the future historian," quotes Benton from a leading South Carolina newspaper, published on January 1, 1850, "shall address himself to the task of portraying the rise, progress and decline of the American Union, the year 1850 will arrest his attention as denoting and presenting the first marshalling and arraying of those hostile forces and opposing elements which resulted in dissolution; and the world will have another illustration of the great truth that forms and modes of government, however correct in theory, are only valuable as they conduce to the great ends of all government,—the peace, quiet, and conscious security of the governed."

The spirit of separation, which had been illustrated in New England by the Hartford Convention, and which had since flamed out in the abolition speeches of Giddings and Frothingham and Garrison, had begun in 1850 to take possession of many of the people of the South, who loved the Union, but who loved better the liberty which abolitionism assailed in assailing the constitution of government intended to preserve it.

Compromise after compromise of vital and antagonistic principles, involving constitutional construction, the rights of the States, and the institution of slavery, had followed each other, until thoughtful and far-seeing men began to anticipate that final decision which came in the next decade. There had been compromises in the formation of the Federal Constitution itself, which were, even at the time of its formation and adoption, big with deferred trouble. The Missouri Compromise, which Randolph of Roanoke had called "a dirty bargain."

while he denounced the "dough-faces" from the North who helped to make it, had been a further source of continued controversy and alienation. Mr. Clay's tariff compromise, in Jackson's administration, had left unsettled the tariff question, though it had served to end Nullification, and now, in 1850, the Jeffersonians and the Hamiltonians faced each other, in a crisis of passions, upon the same dividing issues of constitutional interpretation that had aroused the animosities and stirred the prejudices of the makers of the Constitution themselves.

During the last days of Polk's administration, Calhoun, convinced that the right of self-government of the Southern States was approaching a period of imminent peril, urged among his followers a more compact union on the part of the South. Under his advice a large number of Senators and Representatives from the Southern States united in an address to the people of the South, setting out the wrongs which they had received at the hands of the North, which required redress. In response to this serious political document a convention of delegates of the people of Mississippi, chosen without regard to party affiliation, assembled in October, 1849, in that State, and recommended that "a convention of slave-holding States should be held at Nashville, Tennessee, on the first Monday of June, 1850, to devise and adopt some mode of resistance to the aggression of the non-slave-holding States."

On May 8, 1850, Mr. Clay reported to the Senate as Chairman of the Committee of Thirteen another compromise of the threatening questions of disunion and slavery. The strict constructionists of the South had in the meantime appointed their delegates to the Nashville Convention; though many hung back, hoping again for the intervention of the hitherto unfailing "compromise." Henry A. Wise, who had been chosen as the delegate from his district in Virginia to this gathering, wrote a letter to William

H. Roy, the president of the Virginia Convention to select delegates to Nashville, in which he voiced the sentiment of the Democrats of the Commonwealth on the subject of further compromise.

"If the Constitution of the United States," wrote Mr. Wise, "shall be nullified by a majority doctrine and become frittered away by the awful pacification of compromises upon compromises, the Union will no longer exist as it was formed by the Adamses and Shermans and Franklins and Hamiltons and Lees and Randolphs and Madisons and Rutledges of the Revolution; it will cease itself to be a compromise, the compromise of compromises, as it was in 1789; it will become the absolutism of a many-headed monster of oppression, inequality and dishonor to us, and we will be obliged to resist it as our fathers did 'taxation without representation,' or lose our self-respect and the respect of the rest of mankind, and cease to be a free people."

The Congress of Mr. Clay's Compromise Bill of 1850 was absorbed by the tremendous question of slavery. In June 5, 1850, Mr. Chase of Ohio moved an amendment to the bill in the Senate, "that nothing herein contained shall be construed as authorizing or permitting the introduction of slavery or the holding of persons as property within said territory" (of Utah and New Mexico). The amendment was lost. Mr. Seward of New York, moved as an amendment, that "neither slavery nor involuntary servitude otherwise than upon conviction for crime, shall be allowed in either of said Territories of Utah and New Mexico." It was the language of the coming Fourteenth Amendment to the Constitution of the United States, paraphrased from the Ordinance of 1787 prohibiting slavery in the Northwest Territory. Mr. Seward's amendment was lost. Mr. Davis of Mississippi, the future President of the Confederate States of America offered the following amendment: "And that all laws or parts

of laws, usages or customs pre-existing in the territory acquired by the United States from Mexico, and which in said Territories restrict, abridge or obstruct the full enjoyment of any right of person or property of a citizen of the United States, as recognized or guaranteed by the Constitution and laws of the United States, are hereby declared and shall be held as repealed." Mr. Davis' amendment was lost. Mr. Douglas of Illinois, later, in 1860, the nominee of a faction of the Democratic party for President, at the suggestion of Mr. Davis of Mississippi, proposed the Missouri Compromise line as the southern boundary of Utah. Mr. Douglas' proposition was lost.

In the House of Representatives Mr. Root of Ohio had offered on December 31, 1849, a resolution instructing the committee on Territories to bring in territorial bills for that part of the Mexican territory which had been ceded to the United States by the treaty of Guadaloupe Hidalgo, lying eastward of the Sierra Nevada Mountains, and prohibiting slavery therein. Mr. Alexander H. Stephens, later the Vice-President of the Confederate States, moved to lay Mr. Root's resolution on the table. The motion was adopted. The affirmative vote was a Southern one, with the addition of ten votes from Illinois, New York, Pennsylvania and Ohio. The negative votes came entirely from the North.

On February 14, 1850, Mr. Giddings, abolitionist member from Ohio, offered in the House a resolution, "that we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with the inalienable rights of life and liberty, and that governments are instituted to maintain these rights. That in constituting government in any territory of the United States, it is the duty of Congress to secure to all the people thereof, of whatever complexion, the enjoyment of the rights aforesaid." On the motion of a Southern member

the resolution was laid on the table by a majority composed almost entirely of Southerners.

On May 27, 1850, Mr. Cromwell moved to suspend the rules to enable him to introduce a bill to abolish the slave-trade in the District of Columbia. The motion to suspend was lost by a sectional vote, but one Northern man, a member from Ohio, voting in the negative, and no Southerner voting in the affirmative. On September 5, 1850, Mr. Toombs of Georgia offered an amendment to the New Mexico territorial bill, that "the Constitution of the United States, and such statutes thereof as may not be locally inapplicable, and the common law as it existed in the British Colonies of America until the 4th day of July, 1776, shall be the exclusive laws of said territory upon the subject of African slavery until altered by the people's authority." The whole North and seven Southern members voted nay, and the rest of the South voted aye, and the amendment was lost. On September 24, 1850, Mr. Preston King of New York asked leave to introduce a bill abolishing slavery in the District of Columbia. The House refused to suspend the rules. Every man who voted in the affirmative was from the North.

North and South, regardless of party, were arrayed against each other on the question of slavery, and Jefferson's "fire-bell in the night" was now clanging an ominous and ceaseless alarum.

Mr. Clay's compromise measure of 1850 had been originally one bill. It was debated throughout the summer session of Congress; and was by degrees separated into a number of individual bills. These were all passed by the Senate and the House in the months of August and September, and having been signed by the President, became laws. In the meantime, the Southern Convention had met at Nashville in June, and had adjourned, after the adoption of resolutions, to meet there again in November fol-

lowing—a meeting that proved futile, since James M. Mason of Virginia had written into Clay's compromise measure a fugitive slave law, that reconciled a majority of the Southern people to a postponement of the mighty issue, which Gordon, and most of his associates in the convention's second assemblage in November, perceived was inevitable and already imminent.

CHAPTER XXIII

THE NASHVILLE CONVENTION OF 1850—THE CRADLE OF THE SOUTHERN CONFEDERACY

The movement which culminated in the calling of the Southern Convention of 1850 at Nashville was a highly patriotic one from the standpoint of those who fostered it, and was largely inspired by the statesmanship of Mr. Calhoun.

"The great object of a Southern convention," he wrote to Mr. Collin S. Tarpley, of Mississippi, on July 9, 1849, "should be to put forth in a solemn manner the causes of our grievances in an address to the other states, and to admonish them, in a solemn manner, as to the consequences which must follow, if they should not be redressed, and to take measures preparatory to it, in case they should not be. The call should be addressed to all those who are desirous to save the Union and our institutions, and who in the alternative, should it be forced on us, of submission or dissolving the partnership, would prefer the latter."

Calhoun and Gordon, and men who thought with them, believed that the time had come for some decisive action. Every Northern State save one had indicated then, or indicated very soon thereafter, by resolutions adopted by its legislature, an adherence to the Wilmot Proviso—which was an addition offered on behalf of many Northern Democrats, by Mr. Wilmot of Pennsylvania, a Democratic member of Congress, to the bill in the House of Representatives appropriating two millions of dollars for the purchase of territory from Mexico, applying to any subsequently acquired territory the provision of the Ordinance of 1787, that it should have "neither slavery nor involuntary servitude except for crime, whereof

the party shall first be duly convicted." This Wilmot Proviso had been supported in the House of Representatives, where it was enacted, by the Northern Democrats and by the Whigs; but it was sent to the Senate too late to be acted on. Every Southern legislature, save one, had denounced the proposed exclusion of slavery from new territory by the Federal Government, as a violation of the Constitution of the United States and of the reserved rights of the States.

The convention met at Nashville on the day appointed, with representatives from five states. Gordon, who for a long time had retired from active participation in Federal politics, was deeply interested in the movement, and had a profound appreciation of its significance. The Virginia delegates who attended in June were Messrs. Beverley Tucker, Newton, Gholson, Wm. O. Goode, Claypoole, and Gordon. On the 6th of June, 1850, Gordon wrote to his wife from Nashville:

"I am perfectly well, and very busy with the affairs of the convention. We have had a great deal of talent, and a spirit of conciliation, and much unanimity so far in our councils. I cannot say when the convention will adjourn. We, I think, cannot terminate our meeting until next week. I am pleased I came. I have been much interested in the fine country and the good-looking population of the States through which I have passed. I am very desirous to return home, and expected to receive a letter from home; but as yet have been disappointed.

"The town of Nashville is a very handsome town. The public and private edifices are on a scale of magnificence. Everything shows the prosperity of the country. If we can once compose our differences with the North, I am sure the slave-holding States will continue more and more to demonstrate the value of our institutions, both in the wealth and the refinement of their population."

The sessions of the Convention attracted the attention of the whole country; and the Southern newspapers made its proceedings a conspicuous feature of their news-reports. The convention adjourned on June 13, 1850, after a session of ten days, to meet again in Nashville in the following November, when Congress should have finally adjourned. An address to the people of the United States was adopted; and a series of resolutions were agreed upon as follows:

"1. Resolved, That the territories of the United States belong to the people of the several States of this Union, as their common property; that the citizens of the several States have equal rights to migrate with their property to these territories and are equally entitled to the protection of the Federal Government in the enjoyment of that property so long as the territories remain under the charge of that government.

"2. Resolved, That Congress has no power to exclude from the territory of the United States any property lawfully held in the States of the Union, and any acts which may be passed by the Congress to effect this result is a plain violation of the Constitution of the United States.

"3. Resolved, That it is the duty of Congress to provide governments for the territories, since the spirit of American institutions forbids the maintenance of military governments in time of peace; and as all laws heretofore existing in territories once belonging to foreign powers which interfere with the full enjoyment of religion, the freedom of the press, the trial by jury, and all other rights of persons and property as secured or recognized in the Constitution of the United States, are necessarily void so soon as such territories become American territories, it is the duty of the Federal Government to make early provision for the enactment of those laws, which may be expedient and necessary to secure to the inhabi-

tants of and emigrants to such territories the full benefit of the constitutional rights we assert.

"4. Resolved, That to protect property existing in the several States of the Union, the people of these States invested the Federal Government with the powers of war and negotiation, and of sustaining armies and navies, and prohibited to State authorities the exercise of the same powers. They made no discrimination in the protection to be afforded or the description of the property to be defended, nor was it allowed to the Federal Government to determine what should be held as property. Whatever the States deal with as property, the Federal Government is bound to recognize and defend as such. Therefore it is the sense of this convention that all acts of the Federal Government which tend to denationalize property of any description recognized in the Constitution and laws of the States, or that discriminate in the degree and efficiency of the protection to be afforded to it, or which weaken or destroy the title of any citizen upon American territories, are plain and palpable violations of the fundamental law under which it exists.

"5. Resolved, That the slave-holding States cannot and will not submit to the enactment by Congress of any law imposing onerous conditions or restraints upon the rights of masters to remove with their property into the territories of the United States, or to any law making discriminations in favor of the proprietors of other property against them.

"6. Resolved, That it is the duty of the Federal Government plainly to recognize and firmly to maintain the equal rights of the citizens of the several States in the territories of the United States, and to repudiate the power to make a discrimination between the proprietors of different species of property in the federal legislation. The fulfilment of this duty by the Federal Government would greatly tend to restore the peace of the country, and to allay the

exasperation and excitement which now exist between the different sections of the Union. For it is the deliberate opinion of this Convention that the tolerance Congress has given to the notion that federal authority might be employed incidentally and indirectly to subvert or weaken the institution existing in the States confessedly beyond federal jurisdiction and control, is a main cause of the discord which menaces the existence of the Union, and which has well nigh destroyed the efficient action of the Federal Government itself.

"7. Resolved, That the performance of this duty is required by the fundamental law of the Union. The equality of the people of the several States composing the Union cannot be disturbed without disturbing the frame of the American institutions. This principle is violated in the denial to the citizens of the slave-holding States of power to enter into the territories with the property lawfully acquired in the States. The warfare against this right is a war upon the Constitution. The defenders of this right are defenders of the Constitution. Those who deny or impair its exercise are unfaithful to the Constitution; and if disunion follows the destruction of the right, they are the disunionists.

"8. Resolved, That the performance of its duties, upon the principle we declare, would enable Congress to remove the embarrassments in which the country is now involved. The vacant territories of the United States, no longer regarded as prizes for sectional rapacity and ambition, would be gradually occupied by inhabitants drawn to them by their interests and feelings. The institutions fitted to them would be naturally applied by governments formed on American ideas, and approved by the deliberate choice of their constituents. The community would be educated and disciplined under a republican administration in habits of self-government, and fitted

for an association as a State, and to the enjoyment of a place in the Confederacy. A community so formed and organized might well claim admission to the Union, and none would dispute the validity of the claim.

"9. Resolved, That a recognition of this principle would deprive the questions between Texas and the United States of their sectional character, and would leave them for adjustment without disturbance from sectional prejudices and passions, upon considerations of magnanimity and justice.

"10. Resolved, That a recognition of this principle would infuse a spirit of conciliation in the discussion and adjustment of all the subjects of sectional dispute, which would afford a guarantee of an early and satisfactory determination.

"11. Resolved, That in the event a dominant majority shall refuse to recognize the great constitutional rights we assert, and shall continue to deny the obligations of the Federal Government to maintain them, it is the sense of this convention that the territories should be treated as property, and divided between the sections of the Union, so that the rights of both sections be adequately secured in their respective shares. That we are aware this course is open to grave objections, but we are ready to acquiesce in the adoption of the line of 36°30′ north latitude, extending to the Pacific Ocean, as an extreme concession, upon considerations of what is due to the stability of our institutions.

"12. Resolved, That it is the opinion of this convention that this controversy should be ended, either by a recognition of the constitutional rights of the Southern people, or by an equitable partition of the territories. That the spectacle of a Confederacy of States, involved in quarrels over the fruits of a war in which the American arms were crowned with glory, is humiliating. That the incorporation of the Wilmot proviso, in the offer of settlement,—a proposi-

tion which fourteen States regard as disparaging and dishonorable,—is degrading to the country. A termination to this controversy by the disruption of the Confederacy, or by the abandonment of the territories to prevent such a result, would be a climax to the shame which attaches to the controversy which it is the paramount duty of Congress to avoid.

"13. Resolved, That this convention will not conclude that Congress will adjourn without making an adjustment of this controversy; and in the condition in which the convention finds the questions before Congress, it does not feel at liberty to discuss the methods suitable for a resistance to measures not yet adopted, which might involve a dishonor to the Southern States."

On the 10th day of November, Gordon, who had returned to Nashville to attend the adjourned session of the convention, wrote to Mrs. Gordon from that city:

"I arrived here last evening without an accident, in perfect health. I came most of the way from Charleston with some of the South Carolina and Florida delegates to the convention, among whom were Mr. Barnwell, Judge Cheves, Colonel Gregg, and Colonel Chestnutt, the eulogist of Foote.

"I remained two days in Richmond, and saw a number of old acquaintances. From Chattanooga to this place we chartered an omnibus, and by easy stages passing the Cumberland Mountains, and sleeping at night, we reached Nashville with comparatively little fatigue. None of the delegates from Mississippi have arrived, but they are on the way. There are some here from Georgia and Alabama; and most of them are expected to arrive to-day.

"I am alone from Virginia as yet. I have some hope that Messrs. Newton, Goode and Garnett may be here, but it is uncertain.

"There had not been a drop of the fine rain at Richmond we had just before I left home, and the drought and dust from that to this place were quite oppressive; but as I write, it is raining copiously. I can form as yet no idea when we shall adjourn, but I think we shall sit no longer than we did before. I augur that our deliberations will be harmonious, and our resolves almost unanimous."

"This convention," says Benton, "took the decisive step, so far as it depended upon itself, towards a separation of the States. It invited the assembling of a Southern Congress. Two States alone responded to that appeal—South Carolina and Mississippi; and the legislatures of these two passed solemn acts to carry it into effect,—South Carolina absolutely, by electing her quota of representatives to the proposed Congress; Mississippi provisionally, by subjecting her law to the approval of the people."

In the reassembled convention at Nashville, in November, 1850, there were present delegates from seven States—two more States than at its first session. Gordon continued the sole representative from Virginia. His colleagues, Newton, Goode and Garnett, whose coming he had hoped for, did not appear. The other States, besides Virginia, that were represented in the reassemblage were Georgia, by eleven delegates; Alabama, by five; Florida, by four; Mississippi, by eight; South Carolina, by sixteen, and Tennessee, by fourteen.

The preamble and resolutions adopted at its second session by the Convention were as follows:

"We, the delegates assembled from a portion of the States of this Confederacy, make this exposition of the causes which have brought us together, and of the rights which the States we represent are entitled to under the compact of the Union.

"We have amongst us two races marked by such

distinctions of color and physical and moral qualities as forever forbid their living together on terms of social and political equality.

"The black race have been slaves from the earliest settlement of our country, and our relations of master and slave have grown up from that time. A change in those relations must end in convulsion, and the entire ruin of one or both races.

"When the convention was adopted, this relation of master and slave, as it exists, was expressly recognized and guarded in that instrument. It was a great and vital interest, involving our very existence as a separate people, then as well as now.

"The States of this Confederacy acceded to that compact, each one for itself, and ratified it as States.

"If the non-slaveholding States, who are parties to that compact, disregard its provisions and endanger our peace and existence by united and deliberate action, we have a right as States, there being no common arbiter, to secede.

"The object of those who are urging on the Federal Government in its aggressive policy upon our domestic institution is, beyond all doubt, finally to overthrow and abolish the existing relation between the master and slave. We feel authorized to assert this from their own declarations, and from the history of events in this country for the last few years.

"To abolish slavery or the slave-trade in the District of Columbia—to regulate the sale and transfer of slaves between the States—to exclude slaveholders with their property from the territories—to admit California under the circumstances of the case, we hold to be all parts of the same system of measures, and subordinate to the end that they have in view, which is openly avowed to be the total overthrow of the institution.

"We make no aggressive move. We stand upon the defensive. We invoke the spirit of the Constitution, and claim its guarantees. Our rights—our in-

dependence—the peace and existence of our families, depend upon the issue.

"The Federal Government has within a few years acquired, by treaty and by triumphant war, vast territories. This has been done by the counsel and the arms of all, and the benefits and rights belong alike and equally to all the States. The Federal Government is but the common agent of the States united, and represents their conjoined sovereignty over subject-matter granted and defined in the compact.

"The authority it exercises over all acquired territory must in good faith be exercised for the equal benefit of all the parties. To prohibit our citizens from settling there with the most valuable part of our property is not only degrading to us as equals, but violates our highest constitutional rights.

"Restrictions and prohibitions against the slaveholding States, it would appear, are to be the fixed and settled policy of the Government; and those States that are hereafter to be admitted into the Federal Union from their extensive territories will but confirm and increase the power of the majority; and he knows little of history who cannot read our destiny in the future, if we fail to do our duty now as free people.

"We have been harassed and insulted by those who ought to have been our brethren, in their constant agitation of a subject vital to us and the peace of our families. We have been outraged by their gross misrepresentations of our moral and social habits, and by the manner in which they have denounced us before the world. We have had our property enticed off, and the means of recovery denied us, by our co-states, in the territories of the Union, which we were entitled to as political equals under the Constitution. Our peace has been endangered by incendiary appeals. The Union, instead of being considered a fraternal bond, has been used as the means of striking at our vital interests.

"The admission of California under the circumstances of the case, confirms an authorized and revolutionary seizure of public domain, and the exclusion of near half the States of the Confederacy from equal rights therein—destroys the line of thirty-six degrees thirty minutes, which was originally acquiesced in as a matter of compromise and peace, and appropriates to the Northern States one hundred and twenty thousand square miles below that line, and is so gross and palpable a violation of the principles of justice and equality as to shake our confidence in any security to be given by that majority who are now clothed with power to govern the future destiny of the Confederacy.

"The recent purchase of territory by Congress from Texas, as low down as thirty-two degrees on the Rio Grande, also indicates that the boundaries of the slave-holding States are fixed, and our doom prescribed, so far as it depends upon the will of a dominant majority, and nothing now can save us from a degraded destiny but the spirit of freemen, who know their rights and are resolved to maintain them, be the consequences what they may.

"We have no powers that are binding upon the States we represent. But in order to produce system and concerted action, we recommend the following resolutions, viz:

"Resolved, That we have ever cherished and do now cherish a cordial attachment to the constitutional Union of the States, and that to preserve and perpetuate that Union unimpaired, this convention originated and has now reassembled.

"Resolved, That the Union of the States is a Union of equal and independent sovereignties, and that the powers delegated to the Federal Government can be resumed by the several States, whenever it may seem to them proper and necessary.

"Resolved, That all the evils anticipated by the South, and which occasioned this convention to as-

semble, have been realized by the failure to extend the Missouri line of compromise to the Pacific Ocean; by the admission of California as a State; by the organization of territorial governments for Utah and New Mexico, without giving adequate protection to the property of the South; by the dismemberment of Texas; by the abolition of the slave-trade and the emancipation of slaves carried into the District of Columbia for sale.

"Resolved, That we earnestly recommend to all parties in the slave-holding states to refuse to go into or countenance any national convention, whose objects may be to nominate candidates for the Presidency and Vice-Presidency of the United States, under any party denomination whatever, until our constitutional rights are secured.

"Resolved, That in view of these aggressions, and of those threatened and impending, we earnestly recommend to the slave-holding States to meet in a congress or convention, to be held at such time and place as the States desiring to be represented may designate, to be composed of double the number of their Senators and Representatives in the Congress of the United States, intrusted with full power and authority to deliberate and act with the view and intention of arresting further aggression, and, if possible, of restoring the constitutional rights of the South, and if not, to provide for their future safety and independence.

"Resolved, That the president of this convention be requested to forward copies of the foregoing preamble and resolutions to the Governors of each of the slave-holding States of the Union, to be laid before their respective legislatures at their earliest assembling."

General Gideon J. Pillow, a member of the convention, offered a series of resolutions, acquiescing in the bills included in the Compromise Measure of

1850, but recommending a commercial boycott of the Northern States in the event that the compromise acts should not be lived up to in good faith; and further providing for the call of a convention of slave-holding States in the event of further aggression by the North in the way of repealing the fugitive slave law, abolishing slavery in the District of Columbia or in any State, interfering with the basis of representation fixed on "the Federal numbers," or with the transportation of slaves from one slave-holding State to another.

Pillow's resolutions were voted down, and those given at length above were adopted.

In the *National Intelligencer,* a paper bitterly hostile to the Southern Convention, appeared the following brief accounts of the November session:

"Nashville, Tennessee, June 10.—Mr. Gordon said that as chairman of the Committee on Propositions, he had a report to make on certain resolutions referred to him."

"Nashville, November 16, 1850.—General Gordon, of Virginia, from the Committee on Resolutions, reported a series of a strong character, and recommending a Southern Congress at such time as the States may designate. The proposition is substantially the same as that introduced by the delegation from Alabama."

"Seventh Day, Southern Convention.—General Gordon, of Virginia moved that the preamble and resolutions which had been before reported be recommitted to the committee. Mr. McDaniel, of Georgia moved the previous question, which was put and carried without dissent.

"Mr. Gordon, of Virginia, gave notice that the Committee on Resolutions would hold its meeting forthwith. Mr. McDaniel of Georgia, then offered a preamble and resolutions which were referred; and the convention took a recess for half an hour.

"On the reassembling of the convention General

Gordon of Virginia stated that he was instructed by the Committee on Resolutions to report that they had adopted the preamble as reported by the committee on Saturday, and had substituted other resolutions. They are as follows." (Here follow the preamble and resolutions as heretofore given.) "Mr. Gordon, of Virginia, moved the previous question, and on a call of the States six voted yea, and one (Tennessee) nay. The question then recurring on the adoption of the report of the committee, it was adopted by the same vote."

The *Nashville Banner* of the 19th instant concludes the report of the proceedings of the Nashville Convention by giving a full list of its members. Their names are as follows:

Virginia: Gen. Wm. F. Gordon (1); Alabama: R. Chapman, Geo. W. Williams, C. C. Clay, Sen., Jas. M. Calhoun, T. Buford, (5); Florida: C. H. Dupont, Jean H. Verdier, P. W. White, John H. McGehee (4); Mississippi: J. M. Acker, J. J. Davenport, A. Hutcheson, W. H. Kilpatrick, Pearson Smith, Thos. J. Wharton, J. C. Thompson, Chas. McLaron, (8); Georgia: J. G. McWharter, John A. Jones, John D. Stell, W. J. Parker, George R. Hunter, Robert Bledsoe, James N. Bethune, John C. Sneed, Charles J. McDonald, H. I. Benning, Dr. Daniels (11); Tennessee: A. V. Broon, G. J. Pillow, A. O. P. Nicholson, A. J. Donelson, J. B. Clements, Thos. Claiborne, Dr. J. W. Esselman, W. G. Harding, T. McGavock, Thomas Martin, W. H. Polk, F. McClaren, T. D. Mosely, L. P. Cheatham (14); South Carolina: Langdon Cheves, W. J. Hanna, F. W. Pickens, W. C. Young, J. N. Whitner, Jas. Bradley, Samuel Otterson, Drayton Nance, D. F. Jamison, Maxy Gregg, G. A. Trenholm, John S. Wilson, James Chestnutt, Jr., Wm. DuBose, R. W. Barnwell, R. B. Rhett (16).

The congressional compromise bills had become a

law before the convention reassembled; and though Mississippi and South Carolina took active steps towards the convocation of the Southern Congress, the repudiation by the United States Congress of the Wilmot Proviso, and the provision for a rigid fugitive slave law in the Compromise measures, served to defer the separation which had, however, become inevitable. The Nashville Convention was the cradle of the Southern Confederacy.

His attendance upon the convention, in which he was one of the most conspicuous figures, was Gordon's last appearance on the stage of national politics. Before the decade was ended he had died; and in two years after its ending one of his eight sons had been sent as the special emissary of a representative convention of Virginians at Richmond to convey to Jefferson Davis, President of the Confederate States of America, the ancient Commonwealth's Ordinance of Secession;—while six of those eight sons had entered the armies of the Southern Confederacy; and one of them ere the war between the States was a year old, had fallen at the head of his charging column, at Malvern Hill, in the bloodiest battle of the Seven Days fights about Richmond.

CHAPTER XXIV

MANNERS AND CUSTOMS OF CONGRESSMEN—HOUSTON'S ASSAULT ON STANBERY—THE NEWSPAPERS.

The manners and customs of the men in public life during the period of Gordon's service in Congress should not be without interest for a later generation. In the matter of dress it was not uncommon or unfashionable with certain members of Congress to wear homespun clothes; and reference has been made in an earlier chapter to Gordon's "Virginia cloth" suit, which had so pleased his commanding officer, General Cocke, during the war of 1812. One of Mr. Clay's earliest resolutions in the Kentucky legislature recommended that the members should wear only such clothes as were the product of domestic manufacture. This measure of Mr. Clay's was denounced by Humphrey Marshall as "the claptrap of a demagogue," a characterization which provoked a fierce altercation, and finally resulted in a duel, in which both participants were slightly wounded. The spirit of frugality prevailed especially among the State-Rights men of the period. As they did not desire to depend upon the Federal Government for the laws affecting their daily personal life, so they aspired to be independent of the world, as far as it might be possible, in an economic way; and it is a significant fact that the virtue of frugality has been from the first extolled in all the constitutions of Virginia. Mr. Clay epitomized the sentiment and the custom, when he said: "A judicious American farmer in his household may manufacture whatever is requisite for his family. He squanders but little in the gewgaws of Europe. He presents in epitome what the nation ought to be in

extenso. Their manufactories should bear the same proportion and effect the same object in relation to the whole community, which the part of his household employed in domestic manufacturing bears to the whole family. It is certainly desirable that the exports of the country should continue to be the surplus production of tillage, and not become those of manufacturing establishments. But it is important to diminish our imports; to furnish ourselves with clothing made by our own industry; and to cease to be dependent for the very coats we wear, upon a foreign and perhaps inimical country. The nation that imports its clothing from abroad is but little less dependent than if it imported its bread."

Mr. Clay's views developed later into an advocacy of a tariff as a part of his "American System"; but Gordon's admiration and regard for homespun clothes grew out of the fact that they were the product of the plantation. The "local self-government" which he always advocated was but a part of the local and individual self-reliance, which lay at the very foundation of the Jeffersonian creed of governmental ethics. Through no affectation, therefore, but from a spirit of patriotic pride, it was a custom of Gordon's, and of many of his colleagues, to wear homespun costumes; and these were usually cut after the fashion of the modern "dress clothes"—a "swallow-tail coat," ornamented with plain brass buttons, and the long trousers which had now succeeded the colonial knee-breeches, that had continued through the earlier administrations of Washington, Adams and Jefferson.

The Continental Congress, following the example yet pursued in the English House of Commons, had been accustomed to sit in session with their hats on; and this custom came down to Andrew Jackson's time. "It was thought to be a very great honor for the House to 'uncover' for anything or anybody," says the author of "The American Congress," who

mentions this habit of the body. "The Speaker," he continues, "would sit in his chair all through a session with his hat on, but when he rose to call the attention of the House to any matter he would generally doff his hat. About 1830 'cloak rooms' were introduced, and gradually the members discontinued the practice of wearing their hats during a session."

A member of the House some years later inveighed in a speech upon the burdens, which in his day had come to be the share of the members of Congress, as compared with the ease and leisure with which the earlier Congressmen had been used to transact the public business. "It has grown into an established usage," he said, "for a member to publish his speeches in pamphlet form, and distribute the same among his constituents. To this end he must write out his speeches, superintend the printing, (aye, and pay for it, too), compare the proof sheets, and when the little pamphlets have been enveloped, he must go to work and frank and direct them by the thousand and ten thousand, and after all be faulted for not sending out more of them. The onerous labor incident to this operation often occupies the attention of members while the House is in session, and confusion and waste of time in calls of committees or of the House is the necessary result. And not only this, but he is expected to frank, direct and send tens of thousands of speeches and documents furnished at the cost of the government. To accomplish this he will sit at his desk in the hall franking and directing while a motion is made and stated, a resolution offered and read, or a bill or amendment reported to the clerk; and when he finds a vote about to be taken he throws down his pen, perfectly unconscious of the matter before the House, and of course, calls for the reading of the proposition. Time is wasted in reading it. So we go.

"Sir, forty years ago, our predecessors came to this hall every day in full dress at twelve o'clock,

sat at their desks two or three hours without shaking the powder from their locks, rumpling the ruffles which garnished their bosoms, soiling their fingers with ink, or compromising their personal dignity. How different it is now! So soon as the committees act upon the propositions before them, and bring the same before the House, or soon thereafter, we change the hour of meeting to eleven A. M., and afterwards to ten A. M.; and we adjourn at various hours—generally from four to ten o'clock P. M. The mornings are occupied in writing letters, franking and directing documents, etc., or in attendance upon the committees to which we belong. When the hour of meeting arrives, it finds us in the midst of a letter or with a pile of documents before us. These we despatch, and away for the Capitol,—at what in Indiana we call a long lope—not in full dress, by any means."

Party feeling ran very high, and occasionally charges reflecting on the personal or political character or conduct of adversaries were made by politicians through the medium of the newspapers or upon the floor of legislative bodies in debate. The result was not infrequently a collision or a duel. One of the most famous of these duels was that between Mr. Clay and Randolph of Roanoke, growing out of the characterization by the latter of the political alliance between Clay and Adams as the combination of "Blifil and Black-George—the Puritan and the black-leg"—an allusion founded upon the lives of two of the characters in Fielding's "Tom Jones." Another and far more tragic one was that between Graves and Cilley, which resulted in the death of one of the principals—a bloody conclusion for which Mr. Wise of Virginia, who was a second in the duel, was, as heretofore stated, unjustly charged with responsibility by his political adversaries.

Many men went armed, either with dirks or sword-

canes; and this was especially the case with those from the far South and Southwest. A highly interesting and dramatic episode, which occupied a considerable length of time for its final disposition, occurred during the first session of the 22d Congress, of which Gordon was a member. This was the trial of Samuel Houston, the Texan hero, for a breach of the privileges of the House in assaulting and beating Mr. Stanbery of Ohio, who had taken advantage of the exemption of members of Congress from being called to account for words spoken in debate. Houston, who was even then a notable and picturesque personage, afterwards became the first President of the Republic of Texas; and when Texas was admitted into the Union as a State, he was elected to the United States Senate as one of its two first Senators. When he came to the Senate in 1846, he is described as "a large, fine-looking, rather eccentric man, who usually wore a very conspicuous costume, made up of a big Mexican sombrero, a blue coat with brass buttons, a flaming red vest, and buff pantaloons." At the time of his encounter with Stanbery he wore the costume of the Indians with whom he had been living, and on account of whom his difficulty with the Ohio member originated.

Houston's career had already been an unusual and checkered one. He was a native of Rockbridge County, Virginia, and was sprung from that sturdy Scotch-Irish strain of Valley Ulstermen, who have given to the Union so many of its illustrious names. He had been a major-general of the Tennessee troops, had served in Congress from 1823 to 1827, and had been Governor of Tennessee. In 1829 he had married a young woman of that State, and separated from her a few weeks after his marriage, without any explanation save that his conduct did not reflect upon her character. He became very unpopular on this account; and leaving the State of Tennessee went back to live with his Cherokee friends, in whose

interest he had now returned to Washington. Stanbery on the floor of the House charged Houston with attempting to get a fraudulent contract with the Government for furnishing supplies to the Indians. The account of the Ohio man's accusation was published in the *National Intelligencer*. Houston sent Stanbery a note by Cave Johnson, another member, requesting to know if his name had been used in debate by the latter; and if so, whether the newspaper had correctly quoted his remarks. Stanbery, instead of replying to Houston, addressed a communication to Johnson, saying, "I cannot recognize the right of Mr. Houston to make the request." What appears to have happened thereafter is graphically narrated in the testimony of Mr. Alexander Buckner, a Senator of the United States from the State of Mississippi, who, after having been sworn on behalf of Houston, who had been summoned to answer to a breach of the privilege of the House, testified as follows:

"On the evening of the 13th, I think, after tea was over at my boarding-house, I stepped into the room of Mr. Grundy; we sat there alone conversing for a few moments. Governor Houston entered the outward door, and passed down the passage, intending, as I thought, to pass the door of Mr. Grundy, which was partly open at that time; as he came opposite the door, he halted and looked in; I spoke to him and asked him into the room; we indulged a while in idle playful conversation. Mr. Blair, who was in the adjoining room, in a few minutes stepped in also. Governor Houston was relating some anecdotes, which occupied our attention some fifteen or twenty minutes, when Mr. Blair and myself rose to retire; we walked out of the room, it being a very fine evening, and turned carelessly toward the

outward door, not having any particular object in view. Governor Houston came after us, and, as he stepped out of the door, took each of us by the arm, one on each side of him, and bore us up the Avenue. We continued in light conversation, walking slowly, till we came to the cross street which runs up to the City Hall, across the Avenue at the end of the brick pavement. When we got to that place, Mr. Blair observed that we had gone far enough; we had gone half way with Houston, and that to be polite, he ought to go back with us. Houston answered, no; saying, I think, that he had company, and must go back. At that time we all faced about, Houston was rather in the rear, Mr. Blair a little in advance on the right; after we faced about Mr. Blair moved off very briskly, without waiting for me to go with him. I was surprised at this movement, and asked Houston what makes Blair go off so fast. Houston was standing not directly facing the palings, but rather quartering towards it, and quartering to me; without answering my question he appeared to shift the position of his feet. I saw nothing at the time, but soon discovered a gentleman coming across the Avenue, and pretty near to us, and near to the pavement; at the time I did not recognize the individual when I first observed him, but as he approached nearer, and was in the act of putting his foot upon the pavement, I discovered it to be Mr. Stanbery. It occurred immediately to me that there would be a difficulty between them, having understood previously that there had been dissatisfaction between them. Houston did not reply to my question; as Stanbery approached nearer, he appeared to halt in his pace. Houston asked if that was Mr. Stanbery; he replied very politely, and bowing at the same time, 'Yes, sir.' 'Then,' said Houston, 'you are the damned rascal'; and, with that, struck him with a stick which he held in his hand. Stanbery threw up his hands over his head, and staggered back, his hat

fell off, and he exclaimed, 'Oh, don't.' Houston continued to follow him up, and continued to strike him; after receiving several severe blows, Stanbery turned, as I thought, to run off. Houston, at that moment, sprung upon him in the rear; Stanbery's arms hanging down apparently defenceless; he seized him, and attempted to throw him but was not able to do so. Stanbery carried him about on the pavement some little time; whether he extricated himself, or Houston thrust him from him, I am not able to determine. I thought he thrust him from him. As he passed him he struck him, and gave him a trip: Stanbery fell; when he fell he still continued to hollow; indeed he hollowed all the time pretty much, except when they were scuffling. I saw Stanbery, after having received several blows, put out both hands in this way; he then lying on his back. I did not discover what was in his hands, or if anything was, but I heard a sound like the snapping of a gun-lock, and I saw particles of fire. Houston appeared to take hold of Stanbery's hands, and took something from them which I could not see; after that, Houston stood up more erect, still beating Stanbery with a stick over the head, arms, and sides; Stanbery still kept his hands spread out. After Houston's giving him several other blows, he lay on his back and put up his feet; Houston then struck him elsewhere. Mr. Stanbery, after having received several blows, ceased to hollow, and lay, as I thought, perfectly still. All this time I had not spoken to either of the parties, or interfered in any manner whatever. I now thought Stanbery was badly hurt, or perhaps killed, from the manner in which he lay: I stepped up to Houston to tell him to desist, but without being spoken to, he quit of his own accord. Mr. Stanbery then got up on his feet; and I then saw the pistol in the right hand of Governor Houston, for the first time; some altercation passed between them. Houston observed that he had taken the pistol from Stanbery. Mr. Stan-

bery, about that time, asked Houston why he attempted to assassinate him in the night? Houston replied he had not attempted to assassinate him, but had chastised him for having traduced his reputation. By this time, a crowd had gathered round; and some person, I do not know who, spoke to Houston. Houston replied that he attended to his own business, and that he had chastised the damned scoundrel; if he had offended the law, he would answer for what he had done; he repeated that he had disarmed him, and borne off his pistol. Houston then walked off, and left me; then, after standing for a few moments, I walked off and left Stanbery standing with the crowd."

It appeared from the testimony of another witness that Houston was armed with a sword-cane, which was disclosed, not by his attempting to draw the sword, but by the lower part of the cane which constituted the sheath flying off while he was in the act of striking Stanbery with it.

The trial in the House of Representatives, which lasted nearly a month, excited great interest; and during its progress ladies were "admitted within the hall." The judgment of the House, indicated by a vote of ninety-six to eighty-four, was that Houston should be brought to the bar of the House and reprimanded by the Speaker for contempt and a violation of the privileges of the House, and then discharged from custody. Gordon voted with the minority against the reprimand. The sentiment of most of the Southern members was that although the privilege of the House forbade members being called to account for words spoken in debate, yet no member should speak words in debate for which he was unwilling to hold himself responsible. Houston received the reprimand, after filing a written protest denying the jurisdiction of the House to try him, and was discharged from custody.

The *National Intelligencer,* in which had appeared the account of Stanbery's speech, that gave such umbrage to Governor Houston, was conducted by William Winston Seaton, a Virginian who was descended from the ancient Scotch family of Seaton, and had received his education when a youth in Richmond from a Scotch nobleman, the Earl of Findlater, who at that time was a refugee from his native land, and taught a school in the Virginia capital. Seaton and his partner, Joseph Gales, Jr., a North Carolinian who was Seaton's brother-in-law, and also a brilliant writer, were for many years the official reporters of Congress, and published "the leading debates and incidents" of its sessions in the "Register of Debates." Their newspaper, the *National Intelligencer,* after the organization of the Whig party, became the representative journal of that faction, and exercised a great political influence. It was an aphorism in the later days of Whiggery, that "if a man were found dead with a copy of the *National Intelligencer* in his pocket, though he were otherwise unknown, he might be counted to be a Whig and a gentleman"—a saying which had its parallel in the story that was current at an even later period, to the effect that a certain veteran Whig editor of Petersburg, Virginia, upon being asked by an ingenuous youth, if there were any gentlemen in the Democratic party, said, after a pause, and thoughtfully, "There may be a few, my son; but, they are in damned bad company!"

The journalism of the period was of a very different character from that of the later generations. Long political essays, signed with the classic names of Greek or Roman statesmen, and discussing the profoundest questions of constitutional government, continued to fill the columns of the newspaper press to a comparatively late period in the first half of the nineteenth century. But the most characteristic feature of this old-fashioned journalism was the personality of the editors of the several prominent journals.

The *National Intelligencer* meant Gales and Seaton, as later the New York *Herald* meant Bennett, and the *Tribune* meant Greeley.

In Virginia for forty years there was no more powerful political influence than that exercised by Thomas Ritchie through the columns of the Richmond *Enquirer;* and no cause had anywhere in the Union an abler champion than did that of the State-Rights Democracy in his potential advocacy of its principles. He began the publication of his paper in Richmond in 1804; and was the editor and publisher of the "Debates of the Convention of 1829-1830." He was king-maker among the politicians; and the young and talented men of his party in the State always received from him, through the *Enquirer,* recognition of their talents and energies, and a helping hand. Gordon was among his many and ardent admirers, and was greatly interested in his career.

Mr. Ritchie's long experience as an editor, his acquaintance with public men, and his prominence and influence in the councils of his party, made him during the larger part of his career one of the most conspicuous figures in the State and national politics of his times; while it has been not inaptly said of the *Enquirer* under his editorship, that the history of Virginia for forty years might be written from its columns.

Mr. Ritchie's great journalistic antagonist in Virginia was John Hampden Pleasants, a son of Governor James Pleasants, who founded and was for many years the editor of the Richmond *Whig,* the chief exponent of Whig doctrines in the Commonwealth for more than two decades. Mr. Ritchie's son, Thomas Ritchie, Junior, and Mr. Pleasants engaged in a duel that unfortunately grew out of political articles in their respective papers, and in this encounter the latter was killed.

The state of party feeling, as illustrated in the

newspaper press, during the debate on the Deposit Banks bill in 1835, is set out from the standpoint of a supporter of the Sub-Treasury amendment in a speech on the floor of the House, which may be taken as an extreme presentation of one who was smarting under what he regarded as the outrageous license of contemporary journalism.

"Mr. Clayton, of Georgia," says the official report, "rose and said: Mr. Speaker, I have two objects in wishing to address the House upon the question under debate; the first is to justify myself against a calumny, and the other is to defend my vote against inconsistency. I am accused abroad, and what is worse, at home too, of being bank-bought. This is the charge against every man who dares to exercise the least liberality of sentiment or independence of opinion, and, to use a familiar phrase, if he does not walk the chalks exactly as they are drawn, he is everything but an honest man. He is accused of bribery, speculation, assassination, corruption, fraud, lying, deceit, and indeed every species of meanness.

"Mr. Speaker, if the world believed everything that is said of public characters in America, they must consider Congress as a den of petty rogues, and the nation as a province of polished pick-pockets. Let me, for the amusement of the House, present them with a true picture of their character, as portrayed by the public journals of the country, those faithful registers of all sorts of information, those truthful reflectors of public morals, and not less charitable memorials of private character. And to this end I would ask you to go with me, in your imagination, to Europe, to a large reading-room, for instance, in London. Suppose a large collection of people assembled in that place, and, as is not unfrequently the case, one more bold than the rest calls the attention of the crowd to some interesting extracts from a North American paper just from the seat of Government of that great Republic, that land of liberty, of

equal laws, of pure institutions, and whose glorious traits every Fourth of July celebration 'rings through the world with loud applause.' " He reads:

"Extract from a Fourth of July oration.

" 'Here in this land of liberty the oppressed of all nations, fleeing from the tyranny of the old world, may find an asylum in the purity of our Government, the sanctity of its principles, the patriotism of its statesmen, and a certain protection in the equality of its laws.'

"A toast on that occasion.

" 'The American States—confederated upon principles of liberty, justice and equality, present a sacred refuge to all who shall fly from the force, the follies, and the frauds of priest-ridden Europe.'

"The assembly all cry out, 'Glorious people! Magnanimous nation! Happy government!' But stop, says the reader, let us see what is on the other side. He reads:

"Extracts from the President's letter to one of his Secretaries.

" 'The deposits must be removed before Congress meets, or the Bank will bribe enough of the members to prevent it.'

"Extract from the Government press.

" 'Senators Clay and Webster are the feed lawyers of the Bank, and hence, their great exertions in its behalf.'

"From the same.

" 'Senator Calhoun instigated the assassination of the President.'

"From the same.

" 'Senator Tipton has valuable lands on the Wabash, and hence he is trying to get an appropriation to improve the navigation of the latter, with a view to improve the value of the former.'

"Extract from a letter of a Washington Correspondent.

" 'Senator Webster gets a fee of $5,000 to aid in passing a bill to pay off French claims.'

"From the same.

" 'Governor Tazewell, of Virginia, pure and immaculate as he is considered, has received $50,000 from the United States Bank.'

"From the same.

" 'Representative A. S. Clayton, who was so violent against the Bank, has received an accommodation from that institution, and it has glued his tongue to the roof of his mouth.'

" 'Was there ever such a set of cut-throats?' cries one. 'What a Botany Bay set of scoundrels!' says another. 'Nothing better,' says a third, 'could be expected from the descendants of convicts.' 'Oh! the impudent braggarts!'

"Now, Mr. Speaker, what is the commentary on all this? Suppose Mrs. Trollope, or Basil Hall, or the Duke of Saxe-Weimar, or some of that tribe of lying journalists who are hired to steal reputation just because they have no reputation of their own, had gone home and said these things of an American Congress; what do you imagine the good people of the United States would have thought about it? Would it not have produced a deep sensation throughout the whole land? Would not every American of high and honorable feelings have considered himself grossly scandalized in this malevolent attack upon his country's character? Nations have characters as well as individuals, and it is the sum of individual character that forms a nation's. It is utterly impossible for a community of thieves to make an honest nation; therefore, every man's character is identified with the character of his country. When, sir, did any traveler ever, in the worst condition of his bile, say such things of us as our commonly called well-regulated press? They speak of our manners, customs and intelligence in terms of derision, and this excites our indignation in a very

high degree; but they say but little about our morals, and nothing about our honesty; and yet, Mr. Speaker, our own press would make the world believe, (and that very world, too, who are looking upon us with a jealous, not to say, envious eye, on account of our free principles,) that the great fountain-head of our legislation, which forms the heart and motive power of these great liberal principles, is as corrupt as the most varied infamy can make it. Can anything more delight foreign nations, differing as they do from us in their forms of government, and trembling under the dread of the influence of enlightened freedom upon their coercive institutions, than to hear that we are likely to sink under the moral distemperature of our system? If they believe our own testimony, they have a right to form that conclusion; and, false as we know it to be, yet we sit here, indifferent as to the consequences of such pestilential slander, tamely acquiescing in every malicious calumny that emanates from the press, or from correspondents in or out of this House; and, what is worse, powerless as we are to suppress the mischief, it meets with no condemnation from the people, whose own country and character are as much affected by it as our own; it arouses no portion of their sensibility, though it strikes the deadliest blow at the whole moral frame of a government that forms the boast of a periodical festival and the theme of their perpetual admiration."

CHAPTER XXV

RETURNS TO THE BAR—ON THE CIRCUIT—THE ALBEMARLE LAWYERS—LETTER ON THE INFLUENCES OF SLAVERY.

With his retirement from the activities of politics, in which he had been continuously engaged since 1818, Gordon renewed his interest in his profession, and in the pursuit of agriculture, a combination of occupations not unusual with the Virginia lawyer of the period.

Society at its best then dwelt in the country regions of Virginia. The cities and towns were of comparatively small population, and slave labor made the land-owner independent and comfortable. The country lawyer had his office in the yard attached to his dwelling-house, and here his clients visited him; or else he met them, and was retained in their cases at the county-seat on court-day—a monthly occasion upon which the citizens gathered together to transact their business with each other, to listen to political speeches, and to look after their various matters of interest, and to attend court.

Thomas Nelson Page, in his paper on "The Old Virginia Lawyer," read before the Virginia State Bar Association in 1891, has portrayed with vivid touch the lawyer of the old school. "He was a notable person," says Page, "a character well worth preserving; a constitutional part of our civilization. He was the most considerable man of the county. The planter, the preacher and the doctor were all men of position and consideration, but the old lawyer surpassed them all. Without the wealth of the planter, the authority of the clergyman, or the personal affection, which was the peculiar possession of the family physician, the old lawyer held a position in the county

easily first. He was, indeed, as has been aptly said, a planter, though he was not that primarily. Primarily he was lawyer. He managed his farm only by the way.

"In conversation he was brilliant. The whole field of law, of literature, history, philosophy, was his domain. In all of them he ranged at will, exhibiting a knowledge, an intelligence, a critical faculty, which were astonishing. Though he never wrote a line, he was a philosopher, a wit, a poet. His knowledge of human nature was profound. It was his chief study. He nearly always spoke of men in the aggregate with contempt; of the times as 'degenerate'; yet in actual intercourse his conduct was at variance with his talk; he treated every one with respect . . . . his fund of anecdote was inexhaustible. He told stories which kept his companions roaring; he told them with inimitable aptness and delicious humor; among them he was a boy, jovial, rollicking; yet, let but a fool approach, and he was dignity itself. To young lawyers he was all kindness. He treated them with a courtesy which was knightly, with a gentleness and consideration which were tenderness. He called them in private intercourse by their names, with that flattering familiarity so pleasing to young men. In public he referred to them as 'the learned counsel,' or 'my distinguished young brother.' They repaid it by worshipping him."

The characterization is quite typical; and with differentiations is applicable to Gordon, as to many of his professional brethren of the period. It may be said of him, however, that no contempt of men in the aggregate entered into his mental make-up. He believed in the ultimate sanity and integrity of the people, with a faith as profound as ever imbued Mr. Jefferson in the days of his extremest democracy.

"Riding the circuit," in the practice of law, was an incident of the profession in those days before the

advent of the railroads. William Wirt and Dabney Carr rode the circuit together, out of Albemarle, into the "free State of Fluvanna," when they were young men; and prophesied each the future of the other as they jogged along the red clay roads. Mr. William Green, the most erudite and scholarly lawyer of his age, and a contemporary of Gordon's, as were Wirt and Carr, on his circuit-riding always took with him in his saddle-bags or his great-coat pocket a copy of some classic Greek or Latin author. Though the associations, which this vogue of traveling the circuit created, were frequently, during the recesses of the court, cemented by a conviviality that was not unusual in other contemporaneous societies, yet the large majority of the country lawyers of the time practised their profession with serious purpose and noble achievement, and by no means with the dissipation often attributed to them.

Gordon, whose home at Edgeworth was conveniently situated near the junction of the three counties of Albemarle, Orange, and Louisa, and within easy-reaching distance of the county of Fluvanna, was a regular practitioner in the courts of each of them. Although in his later years, from the inbred habit that comes inevitably to most lawyers who continue long in active politics, he had ceased to be such a close and careful student of text-books and of cases as he had been in his earlier practice; yet the great principles, which constitute the basis of the law, had been so deeply grounded in him in his earlier experience that they remained with him; while they had been continually revived and refreshed by his work during all his legislative career, through his frequent association and contact with law and lawyers in his services upon the Judiciary committees of the House of Delegates and of the national House of Representatives.

The overwhelming mass of decisions and of legal essays and texts, which now afford to the practitioner

cases for and against nearly every legal proposition that may be suggested, and contribute to make of the highly successful lawyer of to-day almost necessarily a specialist, on account of the limit imposed on human endurance by finite time, were not essential to the accomplished practitioner of Gordon's day. He argued his cases from fundamental principles. *Melius est petere fontes quam sectari rivulos,* was a not infrequent maxim of his able bar;—and he made but sparse and limited citation of authority. His appeal was to the judicial intelligence which applied sound reasons to basic foundations, and reached conclusions which were as certain and correct as any established upon innumerable cases by unnumbered judges. With this method of presentation Gordon was strong and persuasive in all the courts in which he practised; and the records of these courts attest the frequency of his employment in important litigation, and the success with which it was conducted by him. As an advocate in the trial of jury causes, he was eminently distinguished; and until, with the approach of old age, he withdrew from active practice, there were comparatively few litigated common law cases of importance, or criminal cases of any magnitude in his judicial circuit, in which he did not appear. That he maintained himself among his competitors of the period is no slight indication of his knowledge, his ability, and his skill; for the bar of his vicinage ranked then, as it ranked before, and has ranked since, as among the ablest in a State, where the profession has, through the history of both Colony and Commonwealth, attracted the pursuit of the acutest and most highly trained intellects.

At his home bar in Albemarle, and of his own generation, the roster of lawyers bore the names of Philip Pendleton Barbour, Hugh Nelson, John S. Barbour, Valentine W. Southall, Richard H. Field, Briscoe G. Baldwin, James Barbour, William Cabell Rives, Chapman Johnson, Thomas Walker Gilmer,

and Nicholas P. Trist. Some of these men were residents of other counties; but they were all active practitioners in the Albemarle courts, and they were all highly distinguished in their profession.

Of the junior bar who practised in the county were Thomas J. Michie, Lucian Minor, William B. Napton, Egbert R. Watson, Hugh A. Garland, Peachy R. Grattan, John W. Stevenson, John B. Minor, Shelton F. Leake, Allen B. Magruder, George Wythe Randolph, William J. Robertson and Roger A. Pryor.

The membership of the Albemarle bar from 1809, when Gordon first quailfied to practise in the courts of the county, to 1858, the year of his death, constitutes a shining bede-roll of illustrious names in the story of the Commonwealth of Virginia.

Brief mention of many of these men has been made in preceding chapters. Notable among them on the political arena of Gordon's period was Nicholas P. Trist, who having studied law under Mr. Jefferson, was private secretary to President Jackson, and later became United States Consul at Havana. He was Assistant Secretary of State of the United States in 1845; and negotiated the treaty of Guadaloupe Hidilgo as Peace Commissioner to Mexico in 1848.

William Green of Culpeper, Gordon's junior by some twenty years, was known as the most learned lawyer of his day, not only in Virginia but in the United States; and the fame of his erudition extended to England. Green and Gordon frequently met each other in the trial of cases. Mr. John Randolph Tucker was accustomed to tell, with an inimitable humor, a story of the discussion, between these two, of Shakespeare's legal knowledge as illustrated in the character of Portia in "The Merchant of Venice." It is here set down as narrated by Mr. Tucker in an address before the Bar Association of the City of Richmond in the eighties:

"At the country tavern at Orange Court House," said Mr. Tucker, "the judge (Field) and the bar

assembled in the evening after the labors of the day were over, and professional, public, historic and literary matters were discussed with clever and playful criticism, in which sharp blows were given and received without temper or offence. Three lawyers were there who took part in the exercise of debate,—the judge and the remainder of the bar as auditors,—General Gordon, William Green and Alexander R. Holladay. General Gordon admired and was better read in Shakespeare than in the works of my Lord Coke. On this occasion he was dilating (not diluting, as a wag once said of another speaker) on the marvellous genius of the great poet. He rose (he generally did in conversation, when his talk became something of a speech), and held the floor without dispute, and not under the prior rule. He permitted questions from the audience, which only sharpened his wit and gave spirit to his eloquence.

"Green and Gordon were great friends and mutual admirers. Each admired in the other what he did not possess. Gordon dreaded Green's nice point of law; Green feared Gordon's eloquence before the jury. Hence their tactics, when opposed, were diverse. Gordon strove to brush away Green's obstructive legal objections, while Green sturdily interposed them. 'For Heaven's sake?' cried Gordon one day, 'let us get to the jury.' 'No,' said Green, 'for if we do, my case is lost.'

"On the occasion under discussion, Gordon spoke of the myriad-minded Shakespeare, whose knowledge of the human heart was as if he had made it; that he seemed to know all human vocations, as if he were a master-workmen in it, and that in a word, *nil tetigit quod non ornavit.*

"At this point Green, who was quietly walking up and down the room, listening with genuine interest to the eulogy on Shakespeare, interposed with the remark:

" 'Well, General, I am not disposed to depreciate

your beautiful tribute to the immortal bard; but it is due to loyalty to our profession to affirm with confidence, what I am ready to maintain before the court, that whatever he knew of other vocations, he was not even a tyro in the scene of jurisprudence.'

"Gordon (with emphatic contempt): 'Well, I suppose he could hardly compete with a county court lawyer in the trial of a petty case before the County Court of Orange. But I challenge your proof.'

"Green: 'In answer to your challenge, I allege he showed utter ignorance of the simplest maxims of law in the decision of the case, In re *Shylock.*'

"Gordon: 'Who the devil ever heard it called *In re Shylock?*'

"Green: 'I know no other way to cite it; but I affirm the decision was utterly absurd.'

"Gordon: 'No doubt it is unintelligible to the pettifoggers who practise in the county courts. Do you propose to drag down the winged Pegasus of Shakespeare's genius, and drive him to the tumbril-cart of your petty county court?'

" 'Green (not offended at this playful badinage): 'Well, General, notwithstanding your objurgatory expressions, I proceed to show that the judgment was wrong.' Green (now adopting the semi-Socratic method, which Gordon did not like) proceeded:

" 'You admit that when A. grants anything to B. the law implies with it the grant of all that is necessary to the enjoyment of the thing granted. You concede that?'

"Gordon: 'No, I'll be hanged if I do. But for the sake of argument, I admit it.'

"Green: 'Therefore, when Antonio granted to Shylock a pound of flesh to be taken from about the heart, the law implied that so much blood was granted with the flesh as must be shed in order to the legal possession of the pound of flesh granted. But Mistress Justice Portia held that he could not take the

flesh, because blood would be shed in doing so, which blood was not granted:—contrary to the simplest maxims of the horn-books of the law. Hence I say, Shakespeare knew nothing of law.'

"The General was not prepared to meet this nice objection, and emptied the vials of his playful wrath upon his learned friend for questioning Mistress Portia's judgment.

"At this point Mr. Holladay intervened:

" 'But, Mr. Green, may not the decision be vindicated on the old case of *Collins* vs. *Blanton?* This was not a case of grant. It was an executory, not an executed contract. A contract to take flesh and blood from the heart of a man involved his life; it was a contract against law and for crime. It was void, and could not be enforced.'

"Gordon (exultant): 'Now, Mr. Critic, what have you to say to that?'

"Green (with all the gravity of a barrister in the appellate court): 'The point made by Mr. Holladay is very ingenious. I will look to see if the authorities sustain it. But, General, if well taken, it leaves my contention untouched; for as Mistress Justice Portia based her decision on the ground I objected to, and did not assign as a reason for it that offered by Alexander Holladay, I insist that Shakespeare may have decided rightly, but for a wrong reason, and therefore, was no lawyer.'

"The discussion closed with merry laughter, and the parties retired to bed, with mutual feelings of admiration and affection."*

Amid the quiet of his professional pursuits and of the duties incident to his life as a planter, Gordon continued to maintain an abiding interest in the great national political drama which was so rapidly and inevitably approaching its conclusion. One of his

* This story is narrated in a Biography of William Green, in "Great American Lawyers," Vol. 5, published by The John C. Winston Co., Philadelphia, 1907-1909.

sons, a young man of twenty-six, had taken up his residence in Alexandria, Virginia, and was the editor of a daily newspaper then published in that town, the *Alexandria Standard.* To him Gordon wrote in September, 1854, as follows:

"Your mother and myself take great interest in your paper. It is always the first read, and she files away every one of them. Your disquisitions on slavery are well written, and afford just views of the institution. But in discussing it, do not give offence to the non-slaveholding States, as you lash the factions that disgrace them. In the dearth of political matter the subject is well chosen; and its discussion, in a proper tone and temper, may do much good by sustaining the rights of the South, and enlightening the ignorance and prejudices of the non-slaveholding States. Indeed it is a subject that may well employ the thoughts of the profoundest statesmen as an interesting constitution of civilized society new to the history of the world. If I mistake not, it is the first instance in history of the existence of African slavery under republican institutions, of which we have an experience. Since the Declaration of Independence, and during our whole colonial history, we have also a contrasted experience of nearly an equal number of slaveholding and non-slaveholding States, under the same general government, and similar State governments, of the white race, or *the homo Europaeus sapiens.* I see you have glanced at the side of the picture which has never been thoroughly examined—the influence of the institution on the moral and social character of the white race. It is a spacious and untrodden field, the correct delineation of which might well employ the highest intellects of the wise and experienced. I am decidedly of the opinion that no period of human history affords more or higher examples of virtuous and truly great men than that of the slave-holding States from our Revolution to the present time—from Washington to Calhoun. What

other region can boast of such men as Henry and Mason,—as Jefferson, Madison, Monroe,—as Jackson, and Clay and Randolph,—with the host of men of the present day, whose reputation time is to finish and consecrate? Where can be found wiser and braver men, or purer and more virtuous women; and if we mount from individual character to that of communities, where can be found an act among the governments of the world, ancient or modern, to compare with the munificent bestowal of our Northwestern empire to the Confederate States, for the purpose of general liberty? Hold up to the abolitionists of Old England and New England the statue of Washington, and the deed of cession ornamented with the portrait of George Rogers Clark, our Virginia Hannibal; and bid them be silent!"

CHAPTER XXVI

LETTERS TO HIS WIFE—ANECDOTES—DEATH

Gordon's personal characteristics of domesticity and of strong family affection are indicated in the letters written to his wife during his public career. It was always a struggle with him to forego the kindlier life of his plantation, and the pleasure of his family associations, for the frequent absences which his political duties necessitated. There was no lack of sincerity in his statement to Mrs. Gordon, in May, 1834, in one of his letters, when he learned of the political opposition which was manifesting itself at home, that he should be satisfied to retire from office.

"In regard to the movement in my district," he wrote, "I am very indifferent personally. Whenever the people think I have abandoned their interests, or that they can be more ably represented, I am willing to retire. I have asked nothing for myself. I have no aspirations beyond the wishes of my constituents. Yet there are tides in the affairs of men, and perhaps the flood of mine has passed. If so, I shall glide down the ebb-tide into the haven of domestic peace, where the best of wives and dearest of offspring have been too long neglected."

In February, 1830, soon after his arrival in Washington to enter upon his duties as a representative, he wrote to Mrs. Gordon:

"I think I must make some arrangement to bring you to Washington, or that I shall not remain a member of Congress long.

"I saw Mrs. Randolph and two of her daughters some evenings ago at Mr. VanBuren's. I have sent your father a parcel of wheat from Malaga, procured by one of our consuls. It is highly spoken of, but I apprehend it will not do to seed it until the fall.

"I have made an interesting acquaintance with a lady from Baltimore, who lives with Colonel Barbour's mess, and is one of the family of General Sam Smith. She is the counterpart of cousin Betsey Michie, but somewhat older. She is a very literary lady both in prose and poetry; and having been here each session of Congress for more than twenty years, is acquainted with all the great men and events that have characterized the age. She is very frank in her manners and conversation, and attracts general courtesy from her extensive acquirements and accurate observation. Colonel Barbour and Mrs. Barbour tell me that she is pleased with me; and I, on my part, think her one of the best informed ladies I have seen.

"But, after all, nothing affords me any real consolation for separation from you and my dear children; and I can say very candidly to you that, after having seen many scenes, and mingled in circles calculated to gratify my curiosity, I have met with no lady equal to you, and nothing that can ever compare with home happiness for a moment."

While always deeply absorbed in his legislative duties, or in the politics incident to them, in his letters to his wife, he did not forget to tell her of her friends whom he met, or to relate to her such happenings as he thought might interest her. Again in February, 1830, he wrote:

"I visited Mrs. Randolph a few days after I wrote you last. She and her family are well. She seems to be comfortably fixed, and the establishment showed much of taste in all that I observed. She seems a little pensive, and says that she feels some of the pains of an exile."

In April of the same year he wrote:

"I, like you, am welcoming the flight of time. I

would give him double wings, for a while, if the transformation were in my power. I am glad to hear that Hannah has also determined to take lessons in French. The diversity of character between her and Maria, I hope, will be a source of mutual improvement and excellence in both. I am very sure they will be more accomplished in their domestic education than in any other way. The frippery of fashion, and the little polish that much company can give will soon enough be acquired by them.

"I do not expect to see a very fine garden on my return; but I am impatient to go back to the bosom of my family and of nature. I am tired of men and politics for a season.

"I have got Byron's 'Life,' by Moore. It is an amusing book, but is licentious and wicked in many passages.

"Mrs. Coolidge is in Washington. I have not yet seen her, but visited Mrs. Randolph on Sunday last."

On the 3d of May, 1830, he said in a letter to his wife:

"I went on the 1st of May to an exhibition, which they have here annually, of an assemblage of little girls and boys, the girls decorated with flowers of every description, and one of them crowned as Queen of May. I dare say, there were hundreds of them, and a more interesting sight I have not seen. Some of the little things seemed quite conscious of the attention they attracted."

Once more the note of a longing for green fields, and his own household gods, appears in his letter of May 10th, 1830:

"I hope before George and Charles are old enough to learn their books, that I may be a domestic man and can aid you in their instruction. I much fear now

that we shall not rise until the 24th—perhaps not then; but I thank God we cannot be kept much longer. I never was so restless and anxious to get home. The fine weather, and everything out of doors, is so contrasted with the confinement and wrangling within, that I am tired almost past endurance."

In the December following he was again in Washington; and on the 20th wrote to Mrs. Gordon:

"I am delighted to hear that you and the children are well. This constitutes my first happiness. Mr. Patton has just returned from Fredericksburg with Mrs. Patton and Miss Lightfoot. I wrote you that I was at Mrs. Peyton's, but did not tell you of the mess. We have Mr. Tazewell, Mr. White, Senator from Tennessee, the Senator from North Carolina, Mr. Ellis from Mississippi, and many others—all Jackson men. The house is as genteelly kept as any in the city.

"I am pleased to hear my wheat will be at length delivered. My health is very good. I had hoped to see you at Christmas, but the roads are next to impassable, and the mail is carried on horseback or in carts. I received my trunk all safe.

"I have had a present of some Turkish tobacco seed, with some muskmelon seed from the same country. The tobacco is said to be the best for smoking. I enclose it to you, and wish it divided with your father, Captain Lindsay, Lewis Walker and Dr. Page, you retaining a small quantity for an experiment at home.

"I also enclose you two alphabets on horn for George and Charles. I am impatient that the time should arrive when I shall meet you all again. I hope James will persevere in his mathematics. It is a science so intellectual and conducive to correct think-

ing in all other acquisitions, that I am particularly anxious he should be proficient in it."

Again in January:

"I accidentally found yesterday, in a shop where I went to buy tobacco, some small, pretty hoes, about the size of your hand. I bought two for George and Charles to work their garden with. They are too heavy to frank; so I must keep them till I see you." And again in February: "I wish to thank you for your last letter and to congratulate you on the near approach of the 4th of March, when I can leave this place. I fear the continued bad weather will make the roads so heavy that no other mode of traveling except on horseback will be practicable."

The following is a letter written from Washington in January, 1833, to one of his sons, then a lad at home:

"My dear Son: I received your letter with much pleasure, and am gratified with the account you give me of the affairs on the plantation. Such information I prize very much, because no one else gives me those details about the horses, stock, and work done on the place but yourself. Continue to write to me of whatever strikes your own mind as of interest on the farm. How does the filly that Mr. Baughn was breaking turn out? Will she make a good riding mare? The weather is now very cold, and I fear the lambs will suffer, as their dams can get very little food in the fields. Write me how much ploughing has been done, and how the wheat looks.

"Whilst I encourage you to take an interest in these matters of business, you must not neglect the improvement of your mind. I hope you will endeavor to improve yourself very much this year, and be a credit to yourself and to your brother as your

instructor. Tell William I received his letter, and will write to him and Maria in a few days. Give my love to all the family, and my respects to all my friends.

"Your affectionate Father."

His personal interest in his family, no less than the good humor of his women-kind in submitting to have their headgear selected by a mere man, is evidenced in the following letter, written in May, 1834:

"I send by the stage, under the care of Mr. Daniel Slaughter, a bandbox containing three bonnets for the girls, and yourself, and some articles which I purchased at an Orphans' Fair. I have great satisfaction in hearing of the good health of the family, but am distressed that you continue weak. We had a fine rain here last night. I hope it has extended to you. I can give you no idea when the session will close. I never was so anxious to see you all.

"We are dragging on here in a confused and indecisive manner. Our session is renewed to-day, and our hall decorated with matting instead of carpeting.

"Mr. Stevenson is at length nominated as Minister to England. What his fate will be in the Senate I can't tell."

A letter from Mrs. Gordon to her husband in Washington in December, 1834, gives an idea of the life at Edgeworth, and in the neighborhood, at that time. She wrote:

"I have not waited on Mrs. A. Rives, but not from any party feeling. Dining party after dining party has filled up the time since you left us. I have only joined them on one occasion, and the constant succession of visits the girls have had has left me very solitary. Churchill manifests great pleasure at seeing the young ladies, fixes himself in the room with

them, and never appears to think of any other amusement as long as he can attract their notice. We expected ten or a dozen merry girls to supper night before last. A fine fire was made in your little reading room, and the sofa fixed as it was when you were at home. Churchill followed me into the room, and asked me if it did not look like Papa and Miss Mary and Miss Sarah ought to be sitting there. The girls came, and I never saw a happier party than they seemed to be without even a single beau to admire them.

"Yesterday morning they insisted I must go with them to Springfield, where they were all to dine. They brought me home in the evening; and all the party went on to Mrs. Page's. To-day they dine with Mrs. Frank Nelson at Belvoir, and on Monday they are going to Cousin James Lindsay's again. Mr. Rives gave them a dinner last Thursday."

One of his letters to Mrs. Gordon indicates that in spite of slaves and slavery "the servant-question" was a burning one even then in Virginia. "I have seen Mrs. Coolidge," he wrote, "and she requests to be particularly mentioned to you and all her friends in our neighborhood. I got leave of her to tell you that you had no idea of the trouble servants can give a mistress, unless you had some experience in Boston, and that all which Virginia mistresses suffer in that way is moderation compared with the insolence and worthlessness of their menials.

"She is in good health, and is a fine-looking lady. Mrs. Randolph directs me always to send her regards to you and all.

"Colonel P. P. Barbour has been ill, but is much better and is out of danger. I am pleased to hear that you have been visited by Governor Barbour and Mrs. Barbour. I shall enjoy their society when I return to Albemarle. I am very weary of Washington."

Himself an orator of moving power, oratory charmed him, as music charms the musician. Webster's style never seemed to appeal to him. Perhaps this was partly because he did not admire the man. But in Clay's persuasive eloquence, and especially in the attraction of his voice, which he was accustomed to say was compelling, he took the greatest delight. He instanced its influence upon himself when, having visited the Senate Chamber, he was on the point of departing, and was spell-bound by the marvelous sweetness and sonorousness of the Kentuckian's "Mr. President," as he arose to address the Senate. Its carrying power seemed to him as wonderful as its melody; and it might well be described, as Bulwer described that of Daniel O'Connell, when he addressed the immense concourse, "walled by wide air and roofed by boundless heaven," on August 15, 1843, on the Hill of Tara. Some historians, informed by eye-witnesses, put the number of that great audience as high as five hundred thousand; and careful and unsympathetic witnesses, writes Justin McCarthy, in his "History of Our Own Times," say that a quarter of a million people must have been present. Bulwer, himself an auditor of O'Connell's speech, describes in his poem, "St. Stephen's," the effect of O'Connell's voice:

"And as I thought, rose the sonorous swell
As from some church tower swings the silvery bell;
Aloft and clear from airy tide to tide
It glided easy as a bird may glide.
To the last verge of that vast audience sent,
It played with each wild passion as it went;
Now stirred the uproar,—now the murmur stilled,
And sobs or laughter answered as it willed.
Then did I know what spells of infinite choice
To rouse or lull has the sweet human voice.
Then did I learn to seize the sudden clue
To the grand troublous life antique,—to view,
Under the rock-stand of Demosthenes,
Unstable Athens heave her noisy seas."

It was this peculiar quality of charm in the voice

of Henry Clay that lured Randolph of Roanoke, approaching his mortal end, and in the last stage of consumption, to stop in Washington, on his way to Philadelphia, in search of medical aid, and to cause himself to be carried to the Senate Chamber. At the moment of his arrival, Clay took the floor to address the Senate. Randolph, too weak to stand, and gazing towards his old enemy, with whom he had fought the duel over "Blifil and Black George," said: "I came here to hear that voice once more."

As is frequently the case with men of imagination, Gordon possessed a sense of humor, which often manifested itself in his association with those about him. His devotion to his wife did not prevent his sometimes greatly enjoying a joke at her expense; and one which highly delighted him was a remark made to her at her table by a visitor to whom she was apologizing, as she occasionally did, that the meal was not such a one as she might have wished to serve her guest. Gordon's idea of hospitality was to give the guest what was given to the family, and that what was good enough for the family was good enough for the casual visitor. On this occasion the visitor was Mr. King, who had married one of his cousins, and resided in the neighborhood. The butter on the table happened to be somewhat reduced by the earlier onslaughts of the numerous children of the household; and Mrs. Gordon apologized to Mr. King for the small size of the "pat" on the plate, insisting that he should take some, and that he should not "be afraid of it."

"Thank you, madam," replied King, with a grim smile which delighted his host, and tended to the discomfiture of his hostess, as he helped himself to half the contents of the dish. "It isn't big enough to scare anybody!"

His last local public appearance was in a campaign in Albemarle in 1849. A State law had been enacted in 1818 which provided that commissioners should

be appointed in every county to provide at the public expense for the education of the children of families who were otherwise unable to educate them. The system worked well in Albemarle, as elsewhere in the State, for many years. Under it the private schools and classical academies flourished; and Gordon was accustomed to emphasize the success of the existing educational scheme by saying that he had never known of a child who desired, or whose parents desired an education for it, who had failed to find the opportunity in Virginia of obtaining it. About 1845, however, the General Assembly provided for the introduction of a free-school system, under a local-option statute. An election was called in Albemarle to determine the question of the adoption of a general public free-school system in the county; and what the local historian calls "a memorable debate" took place over it. "Dr. Wm. H. McGuffey, of the University," writes Woods, in his "History of Albemarle County," "took the stump in behalf of free schools, and General William F. Gordon and Colonel T. J. Randolph against them. By the popular vote it was decided that the time for public schools had not yet come."

Gordon antagonized the proposition to establish in the county a free-school system, under this local-option statute, because he thought it included features that were not calculated to advance education, or to be of public benefit, and because the existing law had proven sufficient. Among those who espoused the other side, as stated, was Dr. McGuffey, the famous author of McGuffey's "Eclectic" readers and spellers, which were once very familiar to the youth of the country. Dr. McGuffey was at that time professor of Moral Philosophy in the University of Virginia. In a discussion of the question, in a public debate between the two, Gordon suggested that the people of Albemarle County should not take their views of primary education from "an Ohio Yankee," alluding

humorously to the Professor's place of residence at the time of his election to the chair which he then held in the University. McGuffey interrupted, protesting that he was not "a Yankee," but that his father was a Scotchman; adding in his embarrassment that his "mother was an Irishman." This Hibernicism was greeted with shouts of laughter from the audience, which increased when Gordon commented, with mischievous humor, but with a very serious face, that he did not know what to think of a man of Dr. McGuffey's reputation venturing to speak so disrespectfully of his mother.

The Doctor's speech was spoiled and he did not continue long in the contest, which was decided by the voters in favor of the proposition assumed by Gordon and Jefferson's grandson, Colonel Randolph.

In his own home, and by his fireside, Gordon's qualities of an affectionate husband and father, and of a hospitable and entertaining host, shone with a benignant light; and for the members of his household, no less than for the guests who thronged his home, his conversational powers, and his varied experiences of men and events proved of constant and unfailing charm. His sons and daughters alike, under the inspiration of his teachings, acquired no inconsiderable knowledge of the political history of the country, and of the principles of its political parties.

To one of these sons, who did not always agree with him upon public issues, and not infrequently gave his disagreement practical effect by his vote, Gordon once said:

"Why is it that you so frequently oppose me and your brothers in your political action?"

"Because, sir," was the answer, "you have always taught us to think for ourselves, and I have done so."

"I have no fault to find with you, my son," his father said. "You have done right."

His love of nature and of a country life, exhibited

in the letters that are quoted in this chapter, seemed to increase and expand as he grew older. He had come of a race of men, none of whom in the generations through which they have been traced, had ever lived in a town or a city. The agricultural existence appealed to him, as it did to Mr. Jefferson, as more conducive than any other, not only to the purity and integrity of society, but to the preservation of institutional liberty. He anticipated the development and growth of cities in America as dangerous to republican government, and never hesitated to express his dislike to aggregations of "bricks and mortar."

He continued throughout his life a student of letters, and of political philosophy and history; and derived therefrom that solace and comforting companionship that those know who enjoy the friendship of books. As Shakespeare appealed to his literary sense beyond all other English authors, so he found in the writings of Burke, as did Randolph of Roanoke, a philosophy of political government which touched more nearly and subtly than any other his innate sense of liberty. Among the books in his library which he especially prized for its associations, and profitably studied for its wisdom and worth, was a work in three volumes, entitled "Political Disquisitions, or an Enquiry Into Public Errors, Defects and Abuses, by J. Burgh, Gentleman." "An American edition of Burgh," says Mr. Hugh Blair Grigsby, in his "Virginia Convention of 1776," "had appeared the year before, and it was a favorite book with all our early statesmen. Mr. Jefferson delighted to praise it." Gordon's copy was of this edition of 1775, and had belonged to Mann Page, whose autograph it bore. Page had given it to Mr. Jefferson, who in turn presented it to his younger friend and follower.

With the religious inclination of most contemplative and thoughtful minds, and with a profound recognition of the value of Christianity not only to

the individual, but to society, he yet never became a church-member. When once reproached with this fact, he said:

"I have a brother who is a Baptist minister. My two sisters are the most pious Presbyterians I have ever known. My wife is a devout Episcopalian. I am catholic in my views of religion, and embrace them all."

The war-clouds, whose lightnings he had long seen flashing afar, were gathering ominously to their tremendous storm, when he departed, in the full and happy possession of all his faculties, and of all "that which should accompany old age, as honor, love, obedience, troops of friends."

He died suddenly of an affection of the heart, on the 28th day of August, 1858, at his home at Edgeworth; and was buried in the family burying-ground of the Lindsays and Gordons at Springfield.

CHAPTER XXVII

CONCLUSION

Gordon's name, like that of many of his prominent contemporaries, does not appear in the biographical dictionaries; and even so soon after the period of his public achievements as the year in which he died—thus quickly do the events of unrecorded history fade away and are gone—those who knew him as having had a career of distinctive civic performance above the mass of his fellowmen, had forgotten the details of his work.

The Richmond *Enquirer* said of him, after he died:

"In the death of this gentleman Virginia has lost another of that noble list of sons for which she was distinguished in the early days of her renown.

"He died very suddenly on the morning of the 28th instant, in the seventy-second year of his age.

"It was the fortune of General Gordon to be prominently connected with many interesting events during his life, and his memory will be united with the history of this Commonwealth in much that relates to her future glory.

"The establishment of the University of Virginia on a permanent basis was an object which engaged much of the attention of Mr. Jefferson in the latter part of his life. General Gordon was his personal and political friend, and being one of the representatives of the county of Albemarle in the House of Delegates of Virginia, was chosen by Mr. Jefferson as a leading patron of the bill before the House.

"He contributed as much, if not more, than any other man to the success of all the measures resulting in the establishment of that institution, which is now

not only the pride of Virginia, but the most popular literary institution in all the Southern States.

"He represented his county many years; and when a revisal of the constitution of the State was determined on, he was elected to the Convention of 1830, acknowledged to be the ablest body of men which ever assembled in this country, or perhaps any other; containing as it did Madison, Monroe, Marshall, Randolph, Tazewell, Leigh, Johnson, Stanard, and a host of others very little inferior to them. The great question which agitated that large mass of collected talent was whether the future representation of the State should be based on property, as it was originally, or on population. It was a mighty struggle between giant intellects over what was supposed to be the vital interests of the Commonwealth; and was protracted to great length—the east generally contending for the continuance of the existing basis, and the west urging that numbers was the proper one.

"In this state of things General Gordon offered a compromise, commonly known as 'the Mixed Basis,' having regard to population and taxation combined. His proposition was adopted, and closed that exciting controversy which at one time threatened to divide the State.

"He was elected to Congress from the Albemarle district during the administration of General Jackson, and though a warm political friend, he disregarded the strong party feelings which in common with many of the best men of the day he entertained, and in his greater devotion to the interests of the South he took sides with the State of South Carolina, and without reserve opposed General Jackson's famous proclamation and force-bill.

"General Gordon may be considered the father of the great system of gold and silver currency for the General Government. During his services in Congress in the administration of General Jackson he in-

troduced a bill to have all the revenues of the government collected in gold and silver. The details of this bill are not recollected; but it was the first public suggestion of that remedy for the evils of a redundant paper currency.

"General Gordon was not only distinguished for the prominent position he held among the leading politicians of his day, but he held high rank at the bar. He was a contemporary of Richard Morris and Philip P. Barbour, and often encountered them. Though not so profound a lawyer as Barbour, he was greatly his superior as an advocate. His ready eloquence, combined with his chivalrous character and generous feelings, made him a most formidable competitor before the jury to any lawyer. Being a man of ardent and sensitive feelings, he knew how to enlist the feelings of those he addressed.

"High as General Gordon stood as a public man, he was the more elevated as a private man above the mass of his followers. To say that he was a Virginia gentleman of the old school is not enough. No man who ever lived had a nicer sense of personal honor and integrity; nor did any practice them with stricter fidelity. He could not be surprised or tempted into the commission of the slightest act unworthy of a man of refined honor and purity. He was generous and liberal almost to a fault. Indeed few men possessed qualities of head and heart combined, better calculated to command respect and affection than General Wililam F. Gordon from all who knew him."

The following article was published about the same time in *The South,* a Virginia newspaper then edited by the Hon. Roger A. Pryor, who after the War between the States achieved eminence as a lawyer and jurist of New York City:

"We regret to announce the death of this distin-

guished citizen. He expired on the 28th instant at his residence in Albemarle. He was long an influential member of the State Legislature. He served only one (three) terms in Congress, but that sufficed to give him an historic name, for he had the honor of proposing the Sub-Treasury system. At his death he held the commission of major-general in the militia of Virginia. A braver, truer, more generous heart never beat in any man's bosom than glowed in the breast of William F. Gordon."

Another contemporary writer, Crosby, said of him:

"In early life General Gordon attained a high position in the State; and although he had not participated in the strife of politics for many years past, yet to the day of his death he was esteemed among the worthiest of the Democratic leaders. He was a rigid disciple of the State-Rights school, and an inflexible champion of the rights of the South. A fervid oratory was his most characteristic talent; an incorruptible integrity his distinguishing virtue. In the relations of private life he commanded universal respect; and among his more intimate friends he was regarded with a warm and constant affection."

In an address on "Virginia Judges and Jurists," delivered February 7, 1895, at a banquet to the Supreme Court of Appeals of Virginia, at Richmond, Mr. John Randolph Tucker, himself a distinguished and able exponent of Gordon's school of political thought, recalled him as "the planter, the lawyer, the eloquent and charming man, who as the proposer of the Sub-Treasury, as a member of the great Convention of 1829-30, and as the patriot son of Virginia, deserves to live freshly ever in memory."

In person he was well-formed and elegant. His height was five feet ten inches; and he had an erect

bearing that conveyed an impression of lofty dignity. His complexion was inclined to swarthiness, and his eyes were dark and piercing. His mouth was symmetrical, and his smile illuminating and winsome. His countenance bore what may be denominated the histrionic stamp—that singular and indefinable cast of beauty and charm which has characterized so many of the great possessors of an imaginative power of expression, either of their own ideas or of those of others. His dark hair, which grew silvery with old age, surmounted in abundance till the end a head of nobly classic mould. His voice in conversation was sweet and well-modulated; and his manners with both men and women possessed a perennial and constant attraction. His person was one that the passer-by in the street would turn to look back at; and his voice in oratorical effort, once heard by the casual stranger, haunted his recollection with the hope of hearing it again.

But back of all his sweetness and serenity and courtesy burned the fires of a just and inflexible self-esteem that brooked no impertinence or intimation of indignity; and it is strikingly characteristic of the impression made upon his fellowmen by this blended simplicity and sense of personal loftiness, that in all the stirring of mighty passions, and in the midst of the numerous hostile collisions and personal affrays which accompanied the politics of his period, he figured in no difficulty, but moved through them all untouched—admired and respected by friend and foe alike.

As has been said of his great contemporary and friend, Mr. Tazewell, he cared nothing for the reputation which might live after the accomplishment of the work which he had in hand to do. He seldom, perhaps never, concerned himself to correct his speeches for the press. His method of delivery was rapid, and was so accompanied with the Demosthenean action of the genuine orator, that though his

enunciation was distinct and his voice possessed of the carrying quality in an unusual degree, and characterized by a sonorous sweetness—when he spoke the average reporter of the day, charmed with the magic of his eloquence and lost in its swift current, laid down the pencil in delighted despair. He often said laughingly of the reporters that they "seemed unable to take him."

His literary taste and acquirements, and his peculiar theories of public speaking made him occasionally critical of the speeches of other men; and as has also been said of Tazewell that "from the eloquent parts of such speeches as Webster's in reply to Hayne he would turn with dislike," so Gordon did turn, if not with dislike, at least with indifference from that very eloquence. "I heard Mr. Webster yesterday for a little while," he wrote of the Massachusetts orator on the occasion of the famous Webster-Hayne debate. "He did not reach the Virginia note."

Quite a characteristic illustration of this spirit of candid though not ungenerous criticism is shown in a letter written by him from Richmond in January, 1822, in which, after describing the forensic style and personal appearance of Benjamin Watkins Leigh, he undertook an analysis of the speech of George Tucker, then a member of the United States House of Representatives, and later a distinguished professor in the University of Virginia, and author of a number of books on various historical, philosophical, financial and literary subjects:

"General Tucker, who is opposed to Mr. Leigh's views of the propriety of appointing commissioners to meet those of Kentucky on the subject, is to answer Mr. Leigh to-day. Indeed, he commenced his speech yesterday. I do not know that I can so well describe him—not because he is beyond the grasp of delineation, but because his manner is more polished, not to say artificial, than that of Mr. Leigh; and the promi-

nences of his mind, if nature ever formed them, have been so smoothed and polished down, that you can find no lofty eminence on which to repose, and view the beauty of the landscape around you. His exordium, which was delivered yesterday, was very beautiful—illustrated by many historical and poetic allusions, and showing at once the polish of his education and the extent of his acquirements. He quotes often from Shakespeare; but wanting, as I think, the true poetic temperament, he quotes merely, without the forceful energy with which the poet thought and wrote himself. His talent as a logician I cannot portray, because I have not heard the argumentative part of his speech; but I fear I shall find that he has wasted too much of his time over the flowers on the margin of the river of wisdom, and has neglected to fill his urn with its precious waters. He is, however, an intelligent and accomplished gentleman; and has perhaps more of the rigidity of intellect than I suppose."

Enough has been disclosed in these pages of Gordon's political principles and of his methods of political thought to make almost superfluous the further statement that he had an unbounded admiration for Mr. Calhoun's intellect and personal character, and that he regarded his speeches and public papers as those of the master-spirit in the political sphere of his age; and this, in spite of the fact that, while he condemned the Force Bill and Jackson's proclamation, he did not approve of Mr. Calhoun's attitude on Nullification.

If it may be said of him, by those who deride the doctrine of State-Rights and State sovereignty, that he was "a Southern statesman in a sectional sense," the same characterization may with equal justice be applied to Jefferson and to George Mason and to Randolph of Roanoke, and to all of that mighty throng of patriot spirits who believed that the Fed-

eral Constitution meant what the English language of it purported to mean and express, and no more; and that the men who made that instrument devised in its unparalleled construction and formation the most perfect and perpetual charter of free government that had ever emanated from the mind of man. He opposed every encroachment upon the rights of the States, because he held with unfailing fervor and patriotic passion that the safety of the Union lay alone in the safety of the States.

With a full understanding and appreciation of the evils of slavery, he viewed it, as Calhoun and many other Southern statesmen viewed it in perfect patriotism, as an institution whose permanence involved the continued prosperity of the South. Yet there is little doubt that, though a large slave-owner, he would unhesitatingly have espoused the cause of emancipation at any time when he believed it could be accomplished without outside and gratuitous interference, and without resultant danger to his own people or to the governments which, as he conceived, held and ensured their liberties.

His indifference to the dictates of personal ambition when weighed in the balance with the welfare of his country is illustrated in his abandonment of a victorious party for the sake of an incorruptible principle; and no one can read his speech in proposing the Sub-Treasury to Congress in 1835 without the profound conviction that patriotism burned always in his bosom with a bright and shining flame.

He served the people of Virginia with an unselfish devotion that has been excelled by that of no other of her sons; and he adorned that service with an unflinching courage and an invincible integrity, than which no man had higher. In the service that he rendered to his State he rendered an even greater and more lasting one to the whole people of a mighty and now indissoluble Union, in the formulation of the Independent Treasury.

It seems no ordinary coincidence that the same county in "the Red Hills of Piedmont" should have produced Jefferson's mighty charter of human liberty, and the statute which the eighth President of the United States not inaptly described as "a second Declaration of Independence"—Gordon's Sub-Treasury act, that separated the Federal Government from the banks.

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